

**Security Council**

Forty-ninth Year

3450th MeetingFriday, 4 November 1994, 6.40 p.m.
New York*Provisional*

<i>President:</i>	Mrs. Albright	(United States of America)
<i>Members:</i>	Argentina	Mr. Cárdenas
	Brazil	Mr. Marcondes de Carvalho
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Kovanda
	Djibouti	Mr. Dorani
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Pakistan	Mr. Marker
	Russian Federation	Mr. Fedotov
	Rwanda	Mr. Bakuramutsa
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Gomersall

Agenda

The situation in Angola

The meeting was called to order at 6.40 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Angola

The President: I should like to inform the Council that I have received a letter from the representative of Angola in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Van Dunem "Mbinda" (Angola) took a place at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to the following documents: S/1994/1235, letter dated 1 November 1994 from the Permanent Representatives of Portugal, the Russian Federation and the United States of America to the United Nations addressed to the President of the Security Council; and S/1994/1241, letter dated 3 November 1994 from the Permanent Representative of Angola to the United Nations addressed to the President of the Security Council.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council, while welcoming the initialling of the peace protocol in Lusaka on 31 October 1994, is gravely concerned over recent reports of an intensification of military operations, in particular those towards Huambo, which put the lives of Angolan citizens at risk and jeopardize the successful completion of the peace process. It reiterates its demand to the parties to cease immediately military hostilities throughout Angola and to establish quickly an effective and firm cease-fire.

"The Security Council notes that the leaderships of both parties must have adequate opportunity to meet with their negotiating teams to prepare for the military talks scheduled to begin on 10 November. It urges the Government of Angola to allow flight clearances into Huambo to enable the UNITA negotiating team to consult with their leadership.

"The Security Council stresses once again that any obstruction to the peace process will be unacceptable. It urges the Government of Angola to exercise its authority to bring an immediate end to the military activities.

"At this particular juncture, the Security Council stresses the need for both parties to spare no effort to bring about a stable and long-lasting peace in Angola. It calls upon them to honour their commitments made at the Lusaka talks, to exercise maximum restraint and responsibility, and to refrain from any action that could jeopardize the signing of the protocol on 15 November 1994."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1994/63.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 6.45 p.m.



Security Council

Forty-ninth Year

Provisional

3451st Meeting

 Friday, 4 November 1994, 7.15 p.m.
 New York

<i>President:</i>	Mrs. Albright	(United States of America)
<i>Members:</i>	Argentina	Mr. Cárdenas
	Brazil	Mr. Patriota
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Füle
	Djibouti	Mr. Chireh
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Pakistan	Mr. Marker
	Russian Federation	Mr. Fedotov
	Rwanda	Mr. Bakuramutsa
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Ms. Wilmshurst

Agenda

Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea

The meeting was called to order at 7.15 p.m.

Adoption of the agenda

The agenda was adopted.

Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea

The President: I should like to inform the Council that I have received letters from the representatives of Japan and the Republic of Korea in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Murayama (Japan) and Mr. Chong-Ha Yoo (Republic of Korea) took the places reserved for them at the side of the Council Chamber.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council recalls the statements made by the President of the Council on 8 April 1993 (S/25562), 31 March 1994 (S/PRST/1994/13) and 30 May 1994 (S/PRST/1994/28) and its relevant resolution.

"The Security Council reaffirms the critical importance of International Atomic Energy Agency (IAEA) safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (the Treaty) and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

"The Security Council notes with satisfaction the 'Agreed Framework between the United States of America and the Democratic People's Republic of Korea (DPRK)' (Agreed Framework) of 21 October 1994 as a positive step in the direction of denuclearizing the Korean Peninsula and maintaining peace and security in the region.

"The Security Council notes that the parties to the Agreed Framework decided to (1) cooperate in replacing the DPRK's graphite-moderated reactors and related facilities with light-water reactor power plants, (2) move towards full normalization of political and economic relations, (3) work together for peace and security on a nuclear-free Korean Peninsula, and (4) work together to strengthen the international nuclear non-proliferation regime.

"The Security Council takes note of the decision of the DPRK in the Agreed Framework to remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons. It notes also the DPRK's decision to come into full compliance with the IAEA-DPRK Safeguards Agreement (INFCIRC/403) under the Treaty.

"The Security Council underlines that the Safeguards Agreement remains binding and in force and looks to the DPRK to act thereon. The Council requests the IAEA to take all steps it may deem necessary, following consultations between the IAEA and DPRK with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK, to verify full DPRK compliance with the IAEA-DPRK Safeguards Agreement.

"The Security Council notes with approval the DPRK decision in the Agreed Framework to freeze its graphite-moderated reactors and related facilities, which is a voluntary measure beyond what is required by the Treaty and the IAEA-DPRK Safeguards Agreement.

"The Security Council, having received an oral report from the Director General of the IAEA, notes further that IAEA monitoring activities with respect to such a voluntary measure are within the scope of verification activities under the IAEA-DPRK Safeguards Agreement.

"The Security Council requests the IAEA to take all steps it may deem necessary as a consequence of the Agreed Framework to monitor the freeze.

"The Security Council also requests the IAEA to continue to report to it on implementation of the Safeguards Agreement until the DPRK has come into full compliance with the Agreement and to report to the Council on its activities related to monitoring the freeze of the specified facilities.

"The Security Council reaffirms the importance of the Joint Declaration by the DPRK and the Republic of Korea on the Denuclearization of the Korean Peninsula, and welcomes the decision of the

DPRK to take steps consistently to implement that Declaration and to engage in dialogue with the Republic of Korea, as the Agreed Framework will help create an atmosphere that promotes such dialogue.

"The Security Council will remain seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1994/64.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 7.20 p.m.



Security Council

Forty-ninth Year

3452nd Meeting

 Tuesday, 8 November 1994, 3 p.m.
 New York

Provisional

<i>President:</i>	Mrs. Albright	(United States of America)
<i>Members:</i>	Argentina	Ms. Cañas
	Brazil	Mr. Valle
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Rovensky
	Djibouti	Mr. Dorani
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Pakistan	Mr. Khan
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Bakuramutsa
	Spain	M ^r . Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay

Agenda

The situation in Tajikistan and along the Tajik-Afghan border

The meeting was called to order at 3.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Tajikistan and along the Tajik-Afghan border

The President: I should like to inform the Council that I have received a letter from the representative of Tajikistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kayumov (Tajikistan) took a place at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to the following documents: S/1994/1236, letter dated 31 October 1994 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, and S/1994/1253, letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes the agreement by the parties in the course of the third round of inter-Tajik talks, held in Islamabad from 20 to 31 October 1994, on the extension until 6 February 1995 of the Agreement of 17 September 1994 on a Temporary Cease-fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks, as well as signing of the

Protocol of the Joint Commission for the implementation of the Agreement. These agreements were arrived at through the good offices of the Secretary-General's Special Envoy and with the assistance of the representatives of the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Russian Federation and other countries and of the Conference on Security and Cooperation in Europe and the Organization of the Islamic Conference, acting as observers at the inter-Tajik talks.

"The Council further welcomes the reaffirmed commitment by the parties to resolve the conflict only through political means and their agreement to hold the next round of talks in early December 1994 in Moscow.

"The Council emphasizes the importance of full and timely implementation by the parties of the obligations to which they have committed themselves including those relating to the exchange of prisoners. It especially stresses the need for strict observance of the cease-fire and cessation of all hostile acts.

"The Council invites the parties to make all the efforts necessary to achieve further substantial progress during the next round of inter-Tajik talks. It calls upon them to continue to cooperate with the Secretary-General's Special Envoy for this purpose.

"The Council reaffirms its support for the efforts by the Secretary-General and his Special Envoy to facilitate the political dialogue between the Government of Tajikistan and the Tajik opposition aimed at achieving national reconciliation. It welcomes the establishment by the parties of a Joint Commission to monitor the implementation of the 17 September Agreement, and requests the Secretary-General to present expeditiously his views and recommendations regarding the role that the United Nations could play in assisting the practical implementation of the agreements achieved including any implications for the current United Nations Mission to Tajikistan.

"The Council calls upon the international community, and in particular, the States of the region to render utmost support to the consolidation of the progress towards national reconciliation achieved in the course of the inter-Tajik talks and to

abstain from any actions that could complicate the peace process."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1994/65.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 3.35 p.m.



Security Council

Forty-ninth Year

3453rd Meeting

Tuesday, 8 November 1994, 3.35 p.m.
New York

Provisional

<i>President:</i>	Mrs. Albright	(United States of America)
<i>Members:</i>	Argentina	Ms. Cañas
	Brazil	Mr. Sardenberg
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Kovanda
	Djibouti	Mr. Dorani
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Pakistan	Mr. Marker
	Russian Federation	Mr. Lavrov
	Rwanda	Mr. Bakuramutsa
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay

Agenda

The situation concerning Rwanda

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States

The meeting was called to order at 3.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Rwanda

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have the following documents before them: S/1994/879, report of the Secretary-General on the establishment of the Commission of Experts pursuant to paragraph 1 of Security Council resolution 935 (1994); and S/1994/906, letter dated 29 July 1994 from the Secretary-General addressed to the President of the Security Council. Members of the Security Council also have before them document S/1994/1168, which contains the text of a draft resolution submitted by Argentina, France, New Zealand, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of the members of the Council to the following other documents: S/1994/1115, letter dated 28 September 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council; S/1994/1125, letter dated 1 October 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the preliminary report of the independent Commission of Experts established in accordance with Security Council resolution 935 (1994); S/1994/1157, note by the Secretary-General transmitting the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda; and S/1994/1230, letter dated 31 October 1994 from the Chargé d'affaires *ad interim* of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to vote on the draft resolution before it. Unless I

hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The Russian Federation became one of the sponsors of the draft resolution on this question because of the fact that such a decision was both a final and a just settlement of the crisis in Rwanda and in support for international peace and security as a whole. It should also be noted that in the course of work on the draft resolution and on the statutes of the tribunal, the sponsors, without detriment to the fundamental principles of the establishment and activity of the international tribunal, accommodated to as great an extent as possible the wishes of the Government of Rwanda and of the States members of the Movement of the Non-Aligned Countries which are members of the Security Council.

Rwanda is continuing to experience a human tragedy of unprecedented scale. In that country, mass and glaring violations of international humanitarian law have been perpetrated, including acts of genocide and crimes against humanity, as a result of which hundreds of thousands of people have perished. Clearly, those responsible for these crimes must receive the punishment they deserve — and this is the major, but not the sole, task of the international tribunal which is to be created.

The Russian Federation also believes that by its activity the tribunal must promote the process of national reconciliation, the return of refugees, and the restoration and maintenance of peace in Rwanda. We hope that the leadership of the country will react positively to the establishment of the tribunal and will actively cooperate with it in order to bring to justice all of the offenders and those guilty of violating the norms of international humanitarian law in Rwanda. In addition, we believe that support for the Security Council resolution will give yet another clear and unequivocal signal to the effect that the international community will not tolerate serious violations of norms of international humanitarian law and disregard for the rights of the individual.

In conclusion, I should like to note that the history of the establishment of international tribunals, first in the former Yugoslavia and now in Rwanda, reinforces our conviction that a permanent international criminal court

must be established in the near future. Considerable useful work has already been done in this area both in the International Law Commission and at the present session of the General Assembly. This gives us reason to hope for the successful conclusion of the efforts to establish such a body.

The President: I shall now put to the vote the draft resolution in document S/1994/1168.

A vote was taken by show of hands.

In favour:

Argentina, Brazil, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Rwanda

Abstaining:

China

The President: The result of the voting is as follows: 13 votes in favour, 1 against and 1 abstention.

The draft resolution has been adopted as resolution 955 (1994).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Mérimée (France) (*interpretation from French*): The Security Council has for the second time in its history established an international tribunal for the prosecution, judgement and punishment of persons who have engaged in acts so serious that they are repugnant to the conscience of mankind and have led those bodies that have the authority to do so to act immediately to ensure that they do not go unpunished.

The horrendous acts that were perpetrated this year on the territory of Rwanda fully justify use having been made once again of the procedure which, on the initiative of France, was applied for the first time in regard to the territory of the former Yugoslavia.

Individuals, regardless of the community to which they belong, must be brought to trial and judged if they have violated the most fundamental rules of war, if they have committed crimes against humanity and, above all, if

they have orchestrated attempts to destroy all or part of an ethnic group - that is to say, genocide. These acts unquestionably fall within the jurisdiction of an international court which can forcefully and impartially see that justice is served on behalf of all mankind.

Because of their particular seriousness, the offences which fall within the competence of the Tribunal are a threat to peace and international security which justifies recourse to Chapter VII of the Charter. This solution, which is binding on all States and hence requires that they meet the requests of the Tribunal and, if necessary, adapt their domestic legislation to enable them fully to cooperate with it, has the additional merit of eliminating the possibility of any prosecution that is undertaken against suspects being in any way tinged by suspicion of vengeance or subjectivity. Thus the Tribunal should in its own way contribute to restoring civil peace to the territory of Rwanda. This consideration should be borne in mind when, after the Secretary-General's report has been received, the Tribunal's headquarters and actual method of operation are decided upon.

From the outset, the French delegation has been dedicated to the successful establishment of the Tribunal as quickly as possible, taking into account the specific needs of the situation in Rwanda as compared to the precedent in regard to the former Yugoslavia.

In particular, it is obvious that, given the very large number of perpetrators of serious offences, all of them cannot be tried by the International Tribunal. The Tribunal itself will have to determine which cases it can appropriately deal with. The other suspects will remain subject to the national jurisdiction of Rwanda or of other States.

The Tribunal will be competent to deal with offences committed between 1 January and 31 December 1994. The choice of this time period makes it possible to take into account possible acts of planning and preparation of genocide which took place beginning on 6 April this year. It also makes it possible for the Tribunal to hear cases involving serious infractions which continued to be committed after July 1994 on the territory of Rwanda and on the territory of neighbouring States - first and foremost in the refugee camps. It goes without saying that if major infractions, together with violations of humanitarian law, were repeated after the end of 1994, the Security Council would be entitled to extend the Tribunal's competence beyond the time period envisaged at present.

Concerning the structure of the Tribunal, the means envisaged are to a great extent the same as those available to the Tribunal for the former Yugoslavia, in particular concerning the Appeals Chamber and the Office of the Prosecutor. This should allow these two elements of the Tribunal to function more economically and more harmoniously. This should also allow this new jurisdiction to start work very quickly, since Judge Goldstone, who will have the initiative in undertaking prosecutions of the perpetrators of criminal acts in Rwanda, has already assumed his duties. We note with satisfaction that the statute mentions that there will be a special deputy for Rwandan affairs. This magistrate should be appointed very quickly, so that the Prosecutor's Office can have someone with sufficient knowledge of the language and the cultural context of this region of Africa.

Concerning the interpretation of certain provisions of the statute, the French delegation wishes to refer to the statement in explanation of vote which it made when resolution 827 (1993), dealing with the establishment of the Tribunal for the former Yugoslavia, was adopted. The interpretative comments made at that time remain valid for my delegation in the case now before us.

In conclusion, I hope that the judgement of such cases in the future will fall within the competence of a permanent international criminal court established by treaty. The International Law Commission has drafted the statute for this new body and it will now be up to the General Assembly and to States to take the necessary measures to ensure that this important project comes to fruition in the very near future. In our view, it is only because such a court does not exist that the Security Council has had to make use of its powers to establish a first and then a second ad hoc international tribunal. This initiative on the part of the organ entrusted with the maintenance of peace was legitimate and indispensable. It can also provide international penal experience which will be useful for the establishment of the future permanent court.

We should like to express in advance our full confidence in the judges and personnel that will be entrusted with carrying out this formidable but essential task on our behalf.

Mr. Keating (New Zealand): The decision which we have just taken is a very important one. It is also of great significance to Rwanda. But it is of even more fundamental importance to the international community as a whole. It is a decision which the Security Council is taking on behalf of all the Members of the Organization.

Genocide is the most heinous of international crimes. Article VII of the Convention on the Prevention and Punishment of the Crime of Genocide envisages action under the Charter to suppress genocide, and article VI of the Convention envisages the establishment of international tribunals to try persons charged with genocide.

The Council is therefore acting within the framework of international law when it uses its authority under the Charter to respond, as it has done, to the recommendation of the Commission of Experts that was established under resolution 935 (1994). The Council has acted quickly, but it has also acted responsibly. It has listened to all concerned and taken into account as far as possible the concerns that this Tribunal should respond to the specific needs of the situation in Rwanda.

New Zealand was pleased, after consideration of the report of the Commission of Experts, to take the lead with the United States - we were the two original sponsors - in proposing a draft resolution to establish a Tribunal that could lead to the trial and punishment of those individuals who were responsible for the genocide.

The magnitude of the crimes could not go unpunished. Between 500,000 and 1 million people may have been slain in Rwanda in a little over three months. After witnessing the genocide in Rwanda, on a scale reminiscent of that which occurred during the Second World War, we believe that the response could be no less than it was in Nuremberg or Tokyo decades ago or in respect of war crimes in the former Yugoslavia last year.

Let me recall that the preliminary report of the Commission of Experts made it absolutely clear that the genocide unleashed after the events of 6 April was the implementation of an operation

"planned months in advance of its actual execution"

and carried out in a quite

"concerted, planned, systematic and methodical way". (S/1994/1125, annex, para. 44)

The clear intention was to exterminate an entire section of the population of Rwanda.

It is therefore all the more a matter for regret that the resolution adopted today was not adopted by

consensus. We particularly regret it because during our term here on the Security Council New Zealand has pursued action that has sought to create a consistency between the international community's response to tragedy in Africa and its response to tragedy elsewhere in the world.

We recall that the Government of Rwanda requested the Tribunal. That is a fact. We are disappointed that it has not supported this resolution. We understand that this is principally because of its desire that those convicted of genocide should be executed. As a State party to the Optional Protocol to the International Covenant on Civil and Political Rights, New Zealand could never support an international tribunal that could impose the death penalty. For over three decades the United Nations has been trying progressively to eliminate the death penalty. It would be entirely unacceptable — and a dreadful step backwards — to introduce it here. Indeed, it would also go against the spirit of the Arusha Agreement, which the Government of Rwanda has said it will honour and which commit all parties in Rwanda to accept international human rights standards.

We do not believe that following the principle of "an eye for an eye" is the path to establishing a civilized society, no matter how horrendous the crimes the individuals concerned may have committed. The objective in Rwanda must be to establish a just and fair society based on respect for life and fundamental human rights.

The cycle of violence between the two communities in Rwanda must come to an end. And for that cycle to end there is a need for an international tribunal to deal with the principal perpetrators, a tribunal that will be demonstrably impartial. Only then will it be possible for all Rwandese, including those outside the country, to see that there is a guarantee that justice will be delivered fairly — that justice will, in fact, be done.

It may be that the lesser perpetrators will have to be dealt with by the Rwandan courts. This is likely because of the numbers involved. We can only say that our expectation is that in the domestic courts weight must be given to the Arusha human rights commitments. We also have to record that New Zealand could not support any proposals that would change the international character of the Tribunal or introduce any suggestion that the Tribunal could be subordinated to Rwandan political intervention.

New Zealand has worked hard with Rwanda for more than six weeks now, ever since the beginning of this

initiative, in an endeavour to accommodate its concerns. Many important changes have been made to the framework of the Tribunal. We did not simply produce an add-on to the former-Yugoslavia Tribunal; the Council recognized that there are important differences between the two situations.

Moreover, the focus of the jurisdiction of the Tribunal is not on war crimes, but on genocide, as Rwanda had requested. For the killing that went on in Rwanda this year, though not unconnected with the fighting between the forces of the two parties, was largely incidental to it.

Furthermore, the Tribunal will be specific to Rwanda. In this regard, the Council has included a specific reference to the possibility of imprisonment in Rwanda. The temporal jurisdiction of the Tribunal has been expanded backwards, from April, as originally proposed, to January 1994, so as to include acts of planning for the genocide that occurred in April.

Proceedings will be held in Rwanda when possible, and the number of judges and trial chambers of the Tribunal can be expanded if need be. These are further important changes that have been introduced.

It has been made absolutely clear in the statute that there can be no pardons or commutations of sentences unless the Tribunal so decides; it is therefore not open for pressure to be brought to bear to secure the pardon of persons convicted and imprisoned elsewhere.

We therefore believe that no one can say that the Security Council has not tried genuinely to accommodate Rwanda's reasonable concerns. We hope that, in the light of the changes that have been made and the concessions that have been offered, Rwanda will in turn offer its cooperation to the Tribunal, because, looking to the future, we believe that the international community will judge Rwanda by its practical willingness to cooperate with the United Nations over the trial and punishment of the perpetrators of genocide. Ordinary people the world over will not understand if the Government of Rwanda turns its back on the efforts of the United Nations to ensure that the trial and punishment of the perpetrators of genocide take place.

We believe that the guarantee of a fair and impartial trial would go some way to encouraging the millions of Rwandese now in refugee camps in neighbouring countries to return to their homeland. It has been with

deep apprehension that my delegation has witnessed the situation in those refugee camps, where the old power structures of the former government have been restored. These are the people responsible for genocide, and they are now controlling Rwandese refugees outside the country.

My delegation therefore urges Rwanda to take the opportunity to support this Tribunal, to investigate and punish these people and also as an instrument of national reconciliation.

Sir David Hannay (United Kingdom): Like the rest of the world, the Government of the United Kingdom was appalled by the atrocities committed in Rwanda. We supported the establishment by resolution 935 (1994) of the Commission of Experts entrusted with the task of investigating reports of grave violations of international humanitarian law committed in Rwanda. In its preliminary report the Commission strongly recommended the creation of an international criminal tribunal for Rwanda. It considered that prosecutions for serious crimes committed during the armed conflict would be better undertaken by an international rather than a domestic tribunal because in its view an international tribunal would best meet the objectives of independence, objectivity and impartiality. The Commission also pointed out that the gravity of the human-rights violations committed in Rwanda extended far beyond that country — they concerned the international community as a whole — and it pointed to the need for ensuring justice not only in respect of atrocities already perpetrated, but also as a matter of deterrence for the future.

It is because my Government shares these views that we cosponsored the draft resolution that the Council has just adopted. The establishment of a tribunal in these exceptional circumstances for the prosecution of those responsible for the atrocities is a signal of the international community's determination that offenders must be brought to justice. My Government regrets that Rwanda felt compelled to vote against the draft resolution. The sponsors, of whom we are one, have throughout the drafting process been very careful to listen to the views of the Government of Rwanda and have made many changes to meet them. But it was essential to maintain in the statute and in the resolution the international character of the Tribunal, and that meant that some changes sought could not be agreed without sacrificing that character. I am sure that we can expect from the Government of Rwanda the degree of cooperation that is demanded of all Member States in relation to resolutions adopted under Chapter VII.

It is our hope that the Tribunal which has just been established will prove by experience to be one which meets the objectives shared by the international community and Rwanda: that justice should be done and that thereby the communities may be reconciled.

The statute of the International Tribunal leaves open the question of where the seat of the Tribunal should be. We have noted the very strong wish of the Rwandan Government to have the Tribunal in Kigali. We look forward to having a very early report from the Secretary-General on this and other matters necessary for the speedy setting-up of the Tribunal. Looking ahead to the election of judges, it is of the greatest importance for the effective functioning of the Tribunal that the judges are persons with considerable practical experience in criminal law and procedure. It is, of course, the purpose of the Tribunal to try persons for serious criminal offences, and it is in that area that the experience of candidates for judicial office must lie.

As with resolution 827 (1993), which established the Tribunal for the prosecution of crimes in the former Yugoslavia, this resolution makes clear that all Member States will have obligations in relation to the Rwanda Tribunal. It will be necessary for States to establish their own procedures for implementing their obligations under the statute. Domestic procedures will be needed to give effect to the obligations under article 28 to comply with a request or order concerning the surrender or transfer of an accused to the International Tribunal.

We do not believe that the new Tribunal on its own will be able to take on the whole burden of prosecuting those responsible for these dreadful crimes. The international community must therefore do all it can to assist in restoring the Rwandan domestic judicial system. The Tribunal and the Rwandan courts together must help to bring the cycle of violence and counter-violence to an end.

Mr. Kovanda (Czech Republic): The Security Council has not dealt this year with developments more dramatic than those in Rwanda or with a country more tragic than Rwanda. Today, its tragedy has abated a little. The genocide is over; killings these days take place out of sight, even out of the country. And we sit here today in order to create a vehicle of justice.

The independent Commission of Experts concluded that even though the conflict in Rwanda was a domestic one its consequences affected the entire international

community, inasmuch as fundamental principles of international humanitarian law were violated. It therefore follows that the Security Council would react similarly as it did to the conflict in former Yugoslavia and initiate an ad hoc tribunal.

Our decision today carries a broader significance which I will examine only in passing, merely to point out that it might signify a breakthrough in creating mechanisms that would impose international criminal law. These mechanisms have so far been treated like a Cinderella by the codification process of international law. While new concepts of international criminal law have been developed — war crimes, crimes against humanity, genocide, and so on — rules of procedure have remained quite underdeveloped since the Nuremberg trial. In the aftermath of the Rwanda genocide, the Security Council has demonstrated that it can efficiently and rapidly create an instrument for dealing with certain international crimes — an accomplishment that has for decades been eluding international diplomatic conferences. The fact that that instrument is being created by the Security Council safeguards an essentially unified approach to these international crimes, and therefore, while recognizing all the problems associated with creating ad hoc tribunals, we welcome it.

Let us, however, remind ourselves that justice, no matter how carefully weighed out and dispensed, will not undo the tragedy. Even if all the perpetrators of the heinous crimes in Rwanda were identified, rounded up, tried and sentenced, it would not bring back to life the hundreds of thousands of their victims, it would not dispel the continuing terror in the eyes of the survivors, it would not return family love to the thousands of orphans.

Still, justice is necessary. It is especially necessary for Rwanda, which for decades has lived in a culture of impunity, a culture where massacres which have gone unpunished constitute a part of its contemporary history. The colloquial expression "getting away with murder," a vivid exaggeration of a daring exploit in the English idiom, carries a haunting literariness in Rwanda.

For the organizers and instigators of the Rwanda genocide, getting away with murder is precisely what the international community wants to help prevent by way of the International Tribunal. Murder, let alone genocide, has to be punished for a sense of right, a sense of law and order, to be restored in a society that has seen all norms of life shattered.

Justice is one thing; reconciliation, however, is another. The Tribunal might become a vehicle of justice, but it is hardly designed as a vehicle of reconciliation. Justice treats criminals whether or not they see the error of their ways; but reconciliation is much more complicated, and it is certainly impossible until and unless the criminals repent and show remorse. Only then can they even beg their victims for forgiveness, and only then can reconciliation possibly be attained.

In this context it is important to note that we have seen few if any signs of remorse and repentance — let alone apology — from those responsible for the genocide. The very opposite is more likely the case. Even while we are creating a mechanism for trying these criminals, most of them are in the safe havens of refugee camps in Zaire and Tanzania. From the relative safety of those camps they continue to spew hatred against the Rwandan authorities — against, in reality, their intended victims who got away. They preach hatred, operate incendiary radio stations, keep an iron hold over the rest of the camp population, prevent ordinary people from going back to their homes and farms, throttle efforts of humanitarian operations — indeed, they are possibly preparing for a renewal of the war.

This is a travesty of historical justice: namely, that hundreds of thousands of Rwandese should today be at the mercy of their own tribesmen, at the mercy of what used to be the Presidential Guard, what used to be the Rwandese Government Army, what still probably is the *interahamwe* militia, what used to be Radio Mille Collines. It is a travesty that the criminals should so far have managed not only to get away with murder, but to drag along ten times as many wretched refugees, whom they now use as a human shield and camouflage.

Creating the tribunal is just another of several partial tasks of the international community. In the view of my delegation, it is even an easier, more straightforward task. But the really urgent task is that of getting into the camps of Goma and Bukavu, Munigi and Mugunga, Kibumba and Katale and Ndosha, and in the border regions of Tanzania, to separate the predators from the prey, the wolves from the sheep — which is a precondition for even beginning to deal with the wolves. Letting the refugees make their own decisions, permitting humanitarian organizations free access to them, and neutralizing the wolves is the international community's first and foremost responsibility. And once they are neutralized, by all means let them be duly tried and punished.

Ms. Cañas (Argentina) (*interpretation from Spanish*): The Republic of Argentina co-sponsored the draft resolution that the Security Council has just adopted because it considers that the establishment of an International Criminal Tribunal for Rwanda is a political and legal instrument that can have a positive impact, not only in Rwanda, but also in the rest of the international community.

We consider that this Tribunal will contribute to the process of reconciliation in Rwanda since, on the one hand, it shows the people, both the victims and those responsible, that justice exists, and, on the other hand, that justice will be applied with impartiality and independence.

For the world, the establishment of the Tribunal is a clear message that the international community is not prepared to leave unpunished the grave crimes committed in Rwanda. Given the various reports on broad, systematic and flagrant violations of international humanitarian law, including genocide, committed in Rwanda in the territory of neighbouring States and by Rwandese citizens, the international community could not remain silent and inactive.

The establishment of this ad hoc Tribunal by the Council responds to the specific circumstances being confronted by Rwanda, and it is the result of a specific request made by the Rwandese Government for rapid and effective action in this direction to contribute to reconciliation and reconstruction and to the maintenance of peace in Rwanda.

It is clear that, this Tribunal having been set up as an ad hoc organ, it is not authorized to establish rules of international law or to legislate as regards such law but, rather, it is to apply existing international law.

I should like to point out that for my Government, a standing international tribunal, in order to be established as legitimate and effective, should be the result of a treaty agreed among sovereign States. We are satisfied to see that the guidelines contained in the Statute of the international penal Tribunal approved by the resolution that we have just adopted can adequately ensure due legitimacy and transparency for the decisions of the Tribunal, as well as the human rights and fundamental freedoms of those accused.

My Government attaches the utmost importance to the appropriate functioning of this Tribunal, whose work will involve the prosecution of those persons individually

responsible for the violations of international humanitarian law as set out in articles 2, 3 and 4 of the Statute.

We would have preferred a tribunal with its own appeals chamber and prosecutor, but we understand the reasons why the present solution was accepted, and we are pleased to see that it has been provided that an additional Deputy Prosecutor will be appointed for the specific situation of Rwanda.

As regards the seat of the Tribunal, the Council should take its decision having regard to considerations of justice and fairness, as well as administrative efficiency, including access to witnesses. The appropriateness of having an office established in Rwanda where necessary should also be considered, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions.

We believe that the Judges and the Deputy Prosecutor should be appointed as soon as possible, so that the Tribunal will be able to begin its work without delay and to produce the desired results. In the specific case of Rwanda, we believe that those to be appointed should, in the main, come from continental legal systems.

Mr. Sardenberg (Brazil): The unprecedented tragedy in Rwanda has appalled the entire international community. The dastardly criminal events, the consequences of which were relayed to the whole world through the media, are still very much present in our minds. The tragic results are well known: hundreds of thousands of innocent people killed, millions of others internally displaced or forced to cross the borders, seeking refuge in neighbouring countries. The whole nation was laid to waste. The task of recovery is daunting, and an enormous challenge lies ahead.

Last month, the members of the Security Council had the privilege of meeting President Bizimungu, whose leadership is clearly required to help solve the extremely complex situation in his country. He briefed us on the recent developments in Rwanda, and shared with us his plans for his Government and his expectations on how the international community could contribute to the challenging task of reconstructing an entire country.

He showed particular concern for the need to make Rwandese in refugee camps, or internally displaced in the country, realize that the return to their homes was not

only highly desirable, but also could be achieved in safety. The struggle against impunity was presented as a key area for confidence-building in Rwanda.

In this context, we listened to his plea for international cooperation in the judiciary area, including the establishment of an international tribunal, as the expression of his Government's wish to end a state of lawlessness and of its resolve not to tolerate any breach of humanitarian law or any crime against humanity.

Brazil has repeatedly made clear its unequivocal condemnation of genocide and other serious violations of international humanitarian law committed in Rwanda. The perpetrators of such abhorrent crimes must be promptly and properly brought to justice and, once proven guilty, receive adequate punishment.

From the outset, my delegation considered that careful examination should be given to the possibility of establishing an international tribunal, as recommended by the Commission of Experts and explicitly requested by the President of Rwanda.

When this possibility was first taken up by the Council, my delegation made it clear that a number of relevant questions should be looked into prior to a decision being taken. In particular, we pointed out that previous experience, namely, the creation of the International Tribunal for war crimes in the former Yugoslavia, might not necessarily provide the adequate response required by the specific circumstances in Rwanda.

As we stated in the case of the Tribunal for the former Yugoslavia, Brazil is not convinced that the competence to establish and/or to exercise an international criminal jurisdiction is among the constitutional powers of the Security Council; or that the option of resorting to a resolution of the Security Council is the most appropriate method for such a purpose.

The authority of the Security Council is not self-constituted. It originates from the delegation of powers conferred upon it by the whole membership of the Organization under Article 24 (1) of the Charter. For that very reason, the Council's powers and responsibilities under the Charter should be strictly construed, and cannot be created, recreated or reinterpreted by decisions of the Council itself.

Our preferred method for the creation of an international criminal tribunal has been and remains the

conclusion of a convention by the international community clearly setting up the tribunal's jurisdiction and terms of reference. The establishment of such a tribunal must be based upon a careful and comprehensive examination of all the complex political, legal and judicial elements involved. In particular, it should be underscored that the assertion and the exercise of criminal jurisdiction are essential attributes of national statehood. Therefore, such jurisdiction cannot normally be presumed to exist at the international level without the participation and consent of the competent parties.

We voted in favour of the creation of the Tribunal on the former Yugoslavia because of the exceptionally serious circumstances of the situation. The position we then took was to be seen as a political expression of our condemnation of the atrocities being committed in that region. Our position remains the same today. Likewise, in the case of Rwanda we would have preferred that an initiative of this nature received a much deeper and more thorough examination, with the appropriate participation of the broad membership of the United Nations. Brazil does not favour, as a matter of principle, resort to judicial or institutional measures of immediate effectiveness, to the detriment of solutions founded on a solid legal basis.

Exceptional ad hoc initiatives by the Council may not be the best way to promote the consistent, balanced and effective application of international humanitarian law or to create an environment conducive to the enhancement of the rule of law in international public order. The Security Council's responsibilities lie not in the judicial or institution-building field, but in the maintenance of international peace and security. Therefore, the invocation of Chapter VII of the Charter for the purpose of establishing an international tribunal goes, in our view, beyond the competence of the Council as clearly defined in the Charter.

The setting up of an international judicial body should be a matter for thorough discussion and negotiation by the international community, as in the case of the proposed international criminal court of justice currently under discussion in the International Law Commission and in the Sixth Committee of the General Assembly. In addition, the Statute of the International Tribunal for Rwanda should have been the object of comprehensive, in-depth legal deliberations specifically focused on the circumstances of Rwanda, and should at least have been reviewed by a panel of jurists representative of the main legal systems. Moreover, since

genocide is one of the most serious crimes that is to be tried by the Tribunal, the principle set out in article VI of the Convention on the Prevention and Punishment of the Crime of Genocide, which stipulates that the jurisdiction of an international penal tribunal must be accepted by the party concerned, should have been observed.

Among the important lacunae in the Statute of the Tribunal, I would point out its failure to address adequately the sensitive question of concurrence of jurisdiction between the International Tribunal and the local courts. The sheer number and diversity of the cases to be brought for trial, and the differences between international and domestic criminal laws, could render the establishment of respective competences an operationally difficult task, and could impair the future functioning of the International Tribunal.

We also regret the absence of a clear date for the termination of the activities of the Tribunal, which will presumably have to function for a very long time. Decisions on its seat and Appeals Chamber, as well as the appointment of its Prosecutor, should have taken into consideration the specific requirements of the case of Rwanda. Moreover, for the work of the International Tribunal to be effective, it will be essential that it receive the fullest cooperation from all States, including the handing over of suspects to the judicial authority. Nevertheless, in this regard States may have to observe the constitutional competence of their own domestic courts in matters such as extradition.

These are just some of the many legal issues that more thorough and comprehensive deliberations could have brought to a more satisfying result.

As in the case of the establishment of the Tribunal for the former Yugoslavia, I wish to stress that our vote on the establishment of the International Tribunal for Rwanda should not be construed as an overall endorsement of the procedural or substantive elements involved. To our mind, neither of these instances establishes any legal precedent for the future. It is only in the light of the exceptional and extremely serious circumstances, and of the urgency required by the situation in Rwanda, that we agreed to proceed with the establishment of the International Tribunal.

Our foremost concern remains the urgent need to bring to justice those responsible for the series of heinous massacres. That being the overriding purpose of the International Tribunal, Brazil voted in favour of its

establishment while qualifying our support with the serious reservations, both procedural and substantive, that I have clearly enunciated.

Mr. Marker (Pakistan): The Security Council has just adopted another landmark resolution clearly establishing that gross and systematic violations of international humanitarian law constitute a threat to international peace and security, a position firmly held by the Government of Pakistan.

The Government of Rwanda displayed great statesmanship when it offered to have those responsible for serious violations of international humanitarian law committed on Rwandese territory prosecuted by an international tribunal. It is our hope that the International Tribunal established by resolution 955 (1994) will become fully functional in the shortest possible period of time. In view of what transpired in Rwanda, especially between April and July 1994, it is absolutely essential that the Tribunal should start its work as soon as possible.

While the assistance of the international community will be required for the Tribunal to commence its work, what is even more necessary is the cooperation of all segments of Rwandese society, particularly the Government of Rwanda. We share the belief that the smooth and expeditious functioning of the Tribunal would, apart from dispensing justice, help in the attainment of the larger objective of national reconciliation and in restoring confidence in all sections of the Rwandese polity.

The negotiations in the Security Council on finalization of the draft resolution and the Statute of the Tribunal were long and arduous. It is really regrettable that sufficient common ground could not be found between the sponsors of the draft resolution and the Government of Rwanda. Ideally, it would have been our preference to have such an important resolution adopted by a unanimous vote. We take consolation from the fact that all sides concerned made sincere efforts to reach consensus. Regrettably, however, points of difference still persist.

As regards the question of the seat of the Tribunal, we fully subscribe to the criteria outlined in paragraph 6 of the resolution. In our view, the best location for the Tribunal's work would be Kigali, provided that all the necessary arrangements could be made for its efficient functioning there. The Council should look for other

alternatives only if it is determined that locating the Tribunal in Kigali would detract from an efficient and fair exercise of its functions.

In that context, the decision to establish an office of the Tribunal in Rwanda is a step in the right direction.

Mr. Li Zhaoxing (China) (*interpretation from Chinese*): China has followed closely the development of the situation in Rwanda and sympathizes deeply with the people of Rwanda in their suffering. We are strongly opposed to and condemn all crimes in violation of international humanitarian law, including acts of genocide. China is in favour of bringing to justice those responsible for such crimes.

The establishment of an international tribunal for the prosecution of those who are responsible for crimes that gravely violate international humanitarian law is a special measure taken by the international community to handle certain special problems. It is only a supplement to domestic criminal jurisdiction and the current exercise of universal jurisdiction over certain international crimes.

At present people still have doubts and worries about the way in which an international tribunal is established by a Security Council resolution under Chapter VII of the United Nations Charter, and careful studies are still being carried out. In principle, China is not in favour of invoking at will Chapter VII of the Charter to establish an international tribunal through the adoption of a Security Council resolution. That position, which we stated in the Council last year during the deliberations on the establishment of an International Tribunal for the Former Yugoslavia, remains unchanged.

It was for the purpose of upholding justice and bringing to justice as soon as possible those who are responsible for crimes that seriously violate international humanitarian law — and especially on the basis of the urgent desire of the Government of Rwanda, the current unique circumstances in that country and the strong demand of the African countries and the international community — that China was originally prepared to give positive consideration to the Security Council draft resolution and the draft statute on the establishment of the International Tribunal for Rwanda.

In view of the purposes and objectives of the ad hoc International Tribunal, the Rwanda Government's attitude and position on the establishment of such a Tribunal for Rwanda are of vital importance. In order to make sure that

this Tribunal will effectively punish those who are responsible for crimes, full cooperation from the Rwanda Government is required after the establishment of the Tribunal. Without such cooperation and support from the Rwanda Government, it will be difficult for the Tribunal to perform its duties in an effective manner. We have noted that, though the Security Council has made certain efforts to allay the Rwanda Government's concern with respect to the establishment of the Tribunal, the Rwanda Government still holds that there exist too many difficulties in the resolution and the statute for it to cooperate in a satisfactory manner with the international community in bringing to justice those who are responsible for crimes that seriously violate international humanitarian law. The Rwanda Government has expressed its desire for further consultations. This request, in our view, should be taken into consideration.

Since this is an extremely important and sensitive issue involving many complicated elements, it is necessary for the Security Council to adopt a prudent attitude. It is therefore an incautious act to vote in a hurry on a draft resolution and statute that the Rwanda Government still finds difficult to accept, and it is also hard to tell what impact this may have on relevant efforts in future. Therefore, the Chinese delegation cannot but express its regret and has abstained in the vote.

Mr. Yáñez-Barnuevo (Spain) (*interpretation from Spanish*): The Security Council has just acted on the basis of the preliminary report of the Commission of Experts established under resolution 935 (1994), which recommends that the Security Council adopt necessary and effective measures to ensure that those responsible for the grave violations of human rights committed in Rwanda during the armed conflict be tried by an independent and impartial international criminal tribunal.

From the beginning of its investigation, the Commission of Experts found overwhelming evidence that acts of genocide and other grave violations of international humanitarian law had been committed in Rwanda, particularly between April and July of this year. The report says the violations were committed systematically, methodically, treacherously and with premeditation. The Commission of Experts estimates that the number of persons murdered exceeds half a million.

The international community could not remain indifferent in the face of those deeds. It is not only the Rwandese people that is affected by such grave violations of human rights and the fundamental values of mankind,

but the entire international community. This is why, for the second time in its history, the Security Council, acting under Chapter VII of the Charter, has established a jurisdictional organ with a specific competence but also with broad powers to hand down judgments in these very serious cases.

While there has been unanimity in the Council on the need for the establishment of an International Tribunal for Rwanda, there have also been some differences of opinion between the members of the Council with regard to the Tribunal's Statute, which has required intensive consultations and negotiations. But the fact is that today the Tribunal has been established, and we are certain that its organizational and functional implementation will be carried out with all necessary speed.

From the very beginning Spain supported the resolutions the Security Council adopted for the establishment of the Tribunal for the former Yugoslavia, and in the case of Rwanda our support has also been faithful and constructive, starting from the very beginning, with the initiative that led to the adoption of resolution 935 (1994), under which the Commission of Experts was established, to the latest stage. Spain was among those countries that submitted to the Commission of Experts all the relevant documentation available to them in connection with the events in Rwanda. More recently the Government of Spain sent two forensic physicians and two expert investigators specializing in scientific police work to Rwanda in support of the work of the Commission of Experts. All this shows that Spain, in response to the appeal made by the Security Council, the Secretary-General and the United Nations High Commissioner for Human Rights, has actively supported the Commission's work. By the same token, as a sponsor of the resolution just adopted, we and the other sponsors have striven to respond to the needs and observations of the other members of the Council, particularly those of the delegation of Rwanda.

Just as in the case of the Tribunal for the former Yugoslavia, we believe that the independence of the International Tribunal for Rwanda is its most important attribute: independence *vis-à-vis* Governments, independence *vis-à-vis* national tribunals and even independence *vis-à-vis* the United Nations itself. Furthermore, although the new Tribunal will share with the Tribunal for the former Yugoslavia certain aspects of personnel, materials and means of operation, the Tribunal for Rwanda will have legal independence. It is a separate Tribunal with its own Statute, its own sphere of jurisdiction and its own rules of operation.

We have also been concerned about legal guarantees to safeguard the rights of the accused, together with the formulation of legal principles that are essential in establishing criminal law. We feel that the Statute meets such concerns. We believe that, in addition to investigating the facts and punishing the guilty, the Tribunal will make its biggest contribution by helping to restore the rule of law in Rwanda and by serving the purposes of justice and reconciliation between all the Rwandese.

It should also be borne in mind that the inevitable financial implications of the work of the Tribunal that the Council has just established will be less than those of an entirely new body, as it can benefit from a large part of the structure, personnel and services of the Tribunal for the former Yugoslavia. This is no obstacle to the new Tribunal's opening an office and conducting proceedings on Rwandese territory, in accordance with the principle of proximity to the scene, so important in the penal process.

It is important to point out that the Tribunal's effectiveness — even more than in the case of other Council decisions — will depend in the final analysis on the support, cooperation and encouragement given to it by States. The entire international community, all the Members of the United Nations, will have to support the Tribunal in its work. This is Spain's understanding of its own duty.

We also hope that, although the delegation of Rwanda was unable to vote in favour of the resolution, the Rwandese authorities will provide all necessary cooperation in the work of the Tribunal, in keeping with their request for its establishment. In any event, we are confident that the international community as a whole will cooperate, not only in the work of the International Criminal Tribunal for Rwanda, but also in the administration of justice and with the Rwandese national tribunals, to ensure that justice is done and that normality is restored to the country.

The decision taken today with the adoption of resolution 955 (1994) is within the authority conferred by the Charter of the United Nations upon the Security Council to act in cases of threats to peace. None the less, the establishment of this institution — as in the case of the earlier institution relating to the former Yugoslavia — should in no way cut off the international community's access to the path towards the establishment of a universal criminal jurisdiction. Case-by-case solutions

may be adequate for reasons of urgency, but a general institution would provide a better solution to specific problems. By setting an example, it could also be effective by preventing a recurrence of such atrocious acts. Spain therefore resolutely supports the work currently being done by the General Assembly, on the basis of a draft statute prepared by the International Law Commission, with a view to the establishment of a permanent international criminal court with general jurisdiction.

Mr. Gambari (Nigeria): For my delegation, the issue at stake here is the need to punish collectively criminal acts against humanity; the issue is not the geographical location or the political complexion of the alleged criminals. Therefore, Nigeria welcomes the fact that the Security Council was able this afternoon to approve the resolution and its annexed statute, which establish an International Tribunal for the sole purpose of prosecuting persons responsible for acts of genocide and other serious violations of international humanitarian law committed, in this case, in the territory of Rwanda in the aftermath of the events of 6 April 1994.

We regret, of course, that, despite the efforts of the sponsors of the resolution and of my own delegation aimed at promoting the resolution's adoption by consensus, Rwanda was unable to support it. My delegation is, however, pleased to observe that the new Government of Rwanda has declared its readiness to cooperate and work with the International Tribunal in an effort to restore confidence and to establish justice in the country. This is as it should be for a Government that has pledged itself to work for national reconciliation after the trauma that the people of Rwanda have experienced as a result of the tragic civil war.

It is our understanding that the International Tribunal for Rwanda is designed not to replace, but to complement, the sovereignty of Rwanda. The international and impartial character of the Tribunal will, in our view, enhance the prospects of national reconciliation in Rwanda. Justice and fairness will also be the cornerstones of the Tribunal. This is why we believe that the conduct of the trials in Rwanda, where we hope and expect the seat of the International Tribunal will be located, will be of benefit not only for the development of confidence among Rwanda's citizens, but also to the judicial system in the country, which, in the circumstances, sorely needs international assistance and support.

However, the establishment of an international tribunal is without prejudice to the setting up by the

Government of Rwanda of a national tribunal that it may wish to establish to address issues concurrently on the basis of national perspectives and interest.

We recognize, however, that many of those likely to be brought before the Tribunal may, in fact, reside outside Rwanda. We therefore hope that countries harbouring suspects will cooperate fully with the International Tribunal so that the purpose of justice will be served.

It should be pointed out, in conclusion, that the decision to establish the International Tribunal is but the first step in the long process of bringing justice to a country that has been traumatized by ethnic hatred and a tragic civil war. My delegation therefore joins in appealing for the cooperation of all States, not only by taking measures necessary under their domestic law to implement the provisions of the present resolution and statute, but also, in conjunction with intergovernmental and non-governmental organizations, by contributing the necessary financial resources, equipment and expert personnel to enable the Tribunal to function effectively and expeditiously.

We are confident that the international community, which did not neglect Rwanda in its most difficult period, will continue to assist the people of Rwanda in their determined efforts to rebuild their country.

Mr. Bakuramutsa (Rwanda) (*interpretation from French*): My delegation wishes to express special thanks to the United States and New Zealand for the leading role they played in the elaboration of the draft resolution and the draft statute of the International Tribunal for Rwanda. We also thank the United Kingdom, Spain, France and other countries for subsequently joining in the efforts of the United States and New Zealand. We also thank the Council's President for the month of October and you, Madam President, for the patience you both displayed towards the working group on the International Tribunal for Rwanda and for keeping this question on the agenda during October and November. Through you, Madam President, I thank all the members of the Security Council.

Since 1959 Rwanda has repeatedly experienced collective massacres, which, as early as 1964, were described by Pope Paul VI and two Nobel Prize winners — Bertrand Russell and Jean-Paul Sartre — as the most atrocious acts of genocide this century after that of the Jews during the Second World War. But whenever

such tragedies occurred the world kept silent and acted as though it did not understand that there was a grave problem of the violation of human rights.

Unfortunately, the perpetrators of these crimes were never brought to justice for their acts. The recent genocide in Rwanda, which awakened, shocked and saddened the universal conscience, is the direct result of this culture of impunity.

When the genocide began, the international community, which had troops in Rwanda and could have saved hundreds of thousands of human lives by, for example, establishing humanitarian safe zones, decided instead to withdraw its troops from Rwanda and to abandon the victims to their butchers.

The Rwandese Patriotic Front had to fight alone from April to July in order to stop the carnage. It is estimated that of the 7.5 million who lived in Rwanda over 1 million perished in the course of this genocide. On the same scale, in a country the size of the United States this would be equivalent to the loss of over 37 million Americans in under three months.

After rendering harmless the perpetrators of the genocide, the Rwandese endeavoured to implement the Arusha Peace Agreement, whose objective is the creation of a state of law, the establishment of a broad-based Government, the repatriation of refugees and the establishment of a national army.

But it is impossible to build a state of law and arrive at true national reconciliation if we do not eradicate the culture of impunity which has characterized our society since 1959. The Rwandese who were taught that it was acceptable to kill as long as the victim was from a different ethnic group or from an opposition party, cannot arrive at national reconciliation unless they learn new values. The national reconciliation of the Rwandese can be achieved only if equitable justice is established and if the survivors are assured that what has happened will never happen again.

Everyone will recall that barely a month ago His Excellency Mr. Pasteur Bizimungu, the President of Rwanda, said in his address to the General Assembly that

"it is absolutely urgent that this international tribunal be established". (*Official Records of the General Assembly, Forty-ninth Session, Plenary Meetings, 21st meeting, p. 5*).

He repeated this request to the Council. This shows just how much the Rwandese Government wanted an international jurisdiction in order to bring to trial the perpetrators of the crime of genocide.

There are a number of reasons why the Rwandese Government requested the establishment of an international tribunal.

First, by asking for the establishment of such a tribunal, the Rwandese Government wanted to involve the international community, which was also harmed by the genocide and by the grave and massive violations of international humanitarian law, and it wanted to enhance the exemplary nature of a justice that would be seen to be completely neutral and fair.

Secondly, the Government appealed for an international presence in order to avoid any suspicion of its wanting to organize speedy, vengeful justice.

Thirdly, the Rwandese Government requested and firmly supports the establishment of an international tribunal to make it easier to get at those criminals who have found refuge in foreign countries.

Fourthly, the genocide committed in Rwanda is a crime against humankind and should be suppressed by the international community as a whole.

The Tribunal will help national reconciliation and the construction of a new society based on social justice and respect for the fundamental rights of the human person, all of which will be possible only if those responsible for the Rwandese tragedy are brought to justice.

In spite of many meetings with the sponsors of the draft resolution, and despite some amendments to the initial text, my Government is still not satisfied with the resolution or with the statute of the International Tribunal for Rwanda as it stands today, for the following reasons.

First, my delegation regards the dates set for the *ratione temporis* competence of the International Tribunal for Rwanda from 1 January 1994 to 31 December 1994 as inadequate. In fact, the genocide the world witnessed in April 1994 was the result of a long period of planning during which pilot projects for extermination were successfully tested.

For example, there were the extermination of a sub-group of Tutsis, the Bahimas, in Mutara in October 1990; the extermination of another Batutsi sub-group, the Bagogwes, in the region of Gisenyi and Ruhengeri, in January and February of 1991; the massacre of over 300 Batutsi in Bugesera in March 1992; and the massacre of more than 400 other Batutsi in Gisenyi, in January 1993. We must also note the arbitrary arrests of over 8,000 Batutsi in October 1990, arrests accompanied by torture, rape and other degrading treatment. Hundreds of Batutsi died as a result.

The international community, through its diplomatic representatives and international organizations in Kigali, as well as many reports by human rights organizations, was well aware of these massacres and cannot claim that it became cognizant of the situation only in the wake of the tragedy of April 1994. It had already been recognized by the Special Rapporteur of the United Nations, Mr. Ndiaye, in May 1993 and in the March 1993 report of the international commission that genocide had in fact occurred in Rwanda.

The statement by the late President Habyarimana of 15 November 1992 at Ruhengeri and that made by his adviser, Dr. Léon Mugesera, on 26 November 1992 revealed as early as those dates, and unequivocally, the existence of a plan that they called the final solution, Rwandese-style. Furthermore, crimes do not exist simply because one is aware of them; they exist only by the fact that they have been committed. My delegation proposed that account be taken of the period from 1 October 1990, the beginning of the war, to 17 July 1994, the end of the war. This proposal was rejected without any valid reason.

An international tribunal which refuses to consider the causes of the genocide in Rwanda and its planning, and that refuses to consider the pilot projects that preceded the major genocide of April 1994, cannot be of any use to Rwanda, because it will not contribute to eradicating the culture of impunity or creating a climate conducive to national reconciliation. In this respect, there is a contradiction between articles 6 and 7 of the statute.

Secondly, my delegation finds that the composition and structure of the International Tribunal for Rwanda inappropriate and ineffective. The Tribunal is composed of two Trial Chambers, with three judges in each. The Appeals Chamber is shared by the Tribunal for the Former Yugoslavia and the Tribunal for Rwanda and will have only five judges. The two Tribunals will also share the

same prosecutor, it being understood that for Rwanda he or she will be backed by a deputy prosecutor.

Given the magnitude of the task awaiting the staff of the Tribunal and the need for speedy and exemplary action by the tribunal, my delegation asked that the number of Trial Chamber judges be increased and that the International Tribunal for Rwanda be given its own Appeals Chamber and prosecutor. No well-founded reply was given. Some information was provided this morning, but it was too little, too late.

My delegation considers that the establishment of so ineffective an international tribunal would only appease the conscience of the international community rather than respond to the expectations of the Rwandese people and of the victims of genocide in particular.

Thirdly, in view of all this, my delegation was surprised to see in the draft statute that the International Tribunal, instead of devoting its meagre human resources, and probably equally meagre financial ones, to trying the crime of crimes, genocide, intends to disperse its energy by prosecuting crimes that come under the jurisdiction of internal tribunals. Furthermore, nothing in the draft resolution and statute indicates the order of priority for crimes considered by the Tribunal. In these conditions, nothing could prevent the Tribunal from devoting its resources on a priority basis to prosecuting crimes of plunder, corporal punishment or the intention to commit such crimes, while relegating to a secondary level the genocide that brought about its establishment.

Fourthly, certain countries, which need not be named here, took a very active part in the civil war in Rwanda. My Government hopes that everyone will understand its concern at seeing those countries propose candidates for judges and participate in their election.

The fifth reason is that my delegation finds it hard to accept that the draft statute of the International Tribunal proposes that those condemned be imprisoned outside Rwanda and that those countries be given the authority to reach decisions about the detainees. This is for the International Tribunal or at least for the Rwandese people to decide.

My delegation would like to recall that in the month of September the United States circulated to the Security Council a draft resolution aimed at recommending and authorizing States Members of the United Nations that are harbouring known Rwandese criminals to arrest them

and to place them in preventive detention. That draft resolution was nipped in the bud by those countries that did not want to see it applied. The fate of that draft resolution clearly shows to anyone who might have any doubts about it that there were countries in the world that would be inclined to let the perpetrators of the genocide go free and there can be no doubt that it would be those very countries that would rush to have in their prisons those Rwandese that are condemned by the International Tribunal.

The sixth reason is that the International Tribunal as designed in the resolution, establishes a disparity in sentences since it rules out capital punishment, which is nevertheless provided for in the Rwandese penal code. Since it is foreseeable that the Tribunal will be dealing with suspects who devised, planned and organized the genocide, these may escape capital punishment whereas those who simply carried out their plans would be subjected to the harshness of this sentence. That situation is not conducive to national reconciliation in Rwanda.

The seventh reason is that my Government called for the establishment of an international tribunal to prosecute those guilty of genocide because the international community is deeply concerned in this respect, but also and above all we requested the establishment of this Tribunal to teach the Rwandese people a lesson, to fight against the impunity to which it had become accustomed since 1959 and to promote national reconciliation. It therefore seems clear that the seat of the International Tribunal should be set in Rwanda; it will have to deal with Rwandese suspects, responsible for crimes committed in Rwanda against the Rwandese. Only in this way can the desired effects be achieved. Furthermore, establishing the seat of the Tribunal on Rwandese soil would promote the harmonization of international and national jurisprudence. My delegation was surprised to see that the authors of the draft still hesitate to indicate where the future seat of the Tribunal will be.

The changes proposed by the Rwandese Government, with all good will, could very well have been accommodated by international law and do not run counter to the idea of international jurisdiction. My Government still believes that an international tribunal for Rwanda, taking into account Rwandese realities, is possible and feasible.

Although Rwanda wants and believes in an international tribunal for Rwanda, and although the Government of Rwanda is convinced that such a tribunal could be organized taking into account the concerns of the Rwandese people without impairing its international nature

and its independence, my Government decided to vote against the draft resolution.

Mr. Al-Khussaiby (Oman): The tragic events that befell Rwanda early this year truly shocked and horrified the international community because of the large scale of the killings, massacres and the act of genocide which accompanied the military confrontation, resulting in an estimated death toll of thousands of people, mostly innocent civilians. However, my delegation notes with great pleasure and satisfaction that the killings have abated and the situation in Rwanda is now characterized by a relative calm and is moving gradually towards peace and normalcy, which the people of Rwanda richly deserve after what they have gone through.

Three months ago my delegation voted in favour of Security Council resolution 935 (1994) by which the Council established a Commission of Experts to examine and analyse the information pertaining to the serious violations of international humanitarian law in Rwanda, including evidence of possible acts of genocide. Today we have again voted in favour of the resolution just adopted on the establishment of the International Tribunal for the purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law in Rwanda. This resolution is a follow-up of the process that the Council initiated by the adoption of resolution 935 (1994) in July 1994.

Our support for Security Council resolution 935 (1994) and the resolution just adopted stems from our conviction of the vital importance of bringing to justice all those who have orchestrated and perpetrated these horrible acts. We deem this necessary for the achievement of national reconciliation, the creation of an environment conducive to the peaceful and orderly return of refugees and the eradication of the tradition of impunity, which is one of the main reasons for the violation of the right to life in Rwanda. Furthermore, the establishment of the International Tribunal for Rwanda would also be instrumental in affording the accused, or the suspects themselves, a fair and equitable trial in accordance with the rule of law instead of leaving them completely to the mercy of the justice of the victorious.

Under no circumstances can this Tribunal be considered as a legal instrument for revenge for acts of genocide, serious crimes or any other crimes. In this connection we would like to commend the efforts of the Government of Rwanda aimed at achieving national reconciliation, promoting tolerance and understanding,

and mitigating the ethnic differences among the Rwandese people, as well as its efforts in encouraging the safe return of the refugees and rebuilding the country's infrastructure destroyed by the war. We believe that the establishment of the International Tribunal will contribute considerably towards realizing those objectives set out both by the international community and the Rwandan Government. We appeal to the Rwandan Government to cooperate fully with the Tribunal.

We welcome in particular the efforts aimed at making the new Government more comprehensive through the invitation to some elements of the former regime whose hands have not been tainted with blood, to participate in the Government and the new army. We deem this a necessary step for the realization of political stability within the framework of the Arusha Peace Agreement.

Finally, on behalf of my delegation I should like to pay tribute to the Commission of Experts for its commendable efforts in discharging the mandate and responsibilities entrusted to it. We also applaud the efforts of the Secretary-General of the United Nations, affiliated agencies and other non-governmental organizations for their efforts aimed at alleviating the suffering of the Rwandese people. We also pay a special tribute to the neighbouring countries, in particular Burundi, Uganda, Tanzania and Zaire, for their untiring efforts and consideration in trying to alleviate the sufferings of the people of Rwanda. We urge them to continue their tireless and heroic efforts in this regard.

The President: I shall now make a statement in my capacity as the representative of the United States of America.

Genocide occurred in Rwanda last spring. Other grave violations of international humanitarian law also have ravaged that State. This Council has been seized with these horrific events through much of this year. The Council itself has not been immune from criticism. But today marks the culmination of months of very hard and persistent work by our respective Governments, the Secretariat, the Commission of Experts and this Council to create a new ad hoc tribunal for the investigation and prosecution of genocide, crimes against humanity and war crimes in Rwanda and by Rwandan citizens in States neighbouring Rwanda.

We regret that the Government of Rwanda cast its vote against the resolution. As other members of the Council have stated, the sponsors worked hard to

accommodate a number of Rwandan concerns. We were not able to accommodate them all. While we understand their concerns regarding several key issues — indeed, on the death penalty we might even agree — it was simply not possible to meet those concerns and still maintain broad support in the Council. Therefore, my Government believes that the right choice is to establish the Tribunal this tragedy demands rather than wait to achieve an agreement that would never come.

Nonetheless, we urge the Government of Rwanda to honour its obligation to cooperate fully with the International Tribunal and the investigation it must undertake in order to prosecute those guilty of the unspeakable acts of genocide and other atrocities. We appreciate the efforts of the United Nations Legal Counsel, Hans Corell, to consult with the Government of Rwanda in Kigali about this resolution and the statute for the Tribunal. Over the past few months, this Council has acted with determination to establish the Tribunal at the earliest possible date.

The Prosecutor will need to work very closely with the Government of Rwanda to establish a presence in that country and to operate freely in his investigations and prosecutions. My Government fully supports the establishment of a Tribunal office in Kigali and agrees that a great deal of the Tribunal's work should necessarily proceed in Rwanda. We also look forward to further consultations on the official seat of the Tribunal. It is imperative that the Tribunal operate efficiently, securely and in a manner consistent with the overall development of international humanitarian law. We will look forward to the views of the Secretary-General and the Prosecutor in our evaluation.

As Chief Prosecutor, Justice Goldstone will bring to this endeavour the same integrity and skill that he has already infused into the International Tribunal for the former Yugoslavia. We look forward to assisting Justice Goldstone in whatever way we can to facilitate his work on Rwanda. We also look forward to the selection of a deputy prosecutor for Rwanda who will have major responsibility for investigations and prosecution.

The establishment of the International Tribunal for Rwanda is only the beginning. One major challenge ahead of us is finding adequate funding for the Tribunal. We urge all Member States to make voluntary contributions. More importantly, the United Nations must provide sufficient funds for these early critical months of the Tribunal's work. We stress, however, that with the

growing budgetary needs of the International Tribunal for the former Yugoslavia, our challenge will be to finance both ad hoc Tribunals with enough resources to get the job done.

The judicial system in Rwanda also will require much rebuilding in order to take on the enormous task of daily law enforcement, as well as the prosecution of many of the suspects whom the Tribunal will not be able to handle. My Government is prepared to assist Rwanda in this important task and we encourage other Governments to provide assistance.

The investigation of genocide is indeed very grim work, but we have a responsibility to see that the International Tribunal for Rwanda can accomplish its objective — one that this Council increasingly recognizes: to hold individuals accountable for their violations of international humanitarian law. As evident in the former Yugoslavia, in Rwanda there is an equal need to forge harmony among ethnic groups by bringing to justice the

individuals who committed such heinous crimes, regardless of their position in society.

In closing, let me express my Government's hope that the step we have taken here today can promote both justice and national reconciliation, lest the Rwandan people be unable to escape the memory of madness and barbarism they have just lived through.

I now resume my function as President of the Council.

There are no further speakers on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 5.15 p.m.



Security Council

Forty-ninth Year

Provisional

3454th Meeting

Tuesday, 8 November 1994, 5.35 p.m.

New York

<i>President:</i>	Mrs. Albright	(United States of America)
<i>Members:</i>	Argentina	Mr. Pelaez
	Brazil	Mr. Sardenberg
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Kovanda
	Djibouti	Mr. Dorani
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Pakistan	Mr. Marker
	Russian Federation	Mr. Lavrov
	Rwanda	Mr. Bakuramutsa
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay

Agenda

The situation in the Republic of Bosnia and Herzegovina

Letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/1248)

The meeting was called to order at 5.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Republic of Bosnia and Herzegovina

Letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/1248)

The President: I should like to inform the Council that I have received letters from the representatives of Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Cambodia, Croatia, Ecuador, Egypt, Germany, Honduras, Indonesia, the Islamic Republic of Iran, Jordan, Latvia, Malaysia, Morocco, Nicaragua, Norway, the Republic of Korea, Romania, Senegal, Slovenia, the Sudan, Tunisia and Turkey in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sacirbey (Bosnia and Herzegovina) took a place at the Council table; Mr. Farhadi (Afghanistan), Mr. Kulla (Albania), Mr. Lamamra (Algeria), Mr. Rahman (Bangladesh), Mr. Abdul Momin (Brunei Darussalam), Mr. Pashovski (Bulgaria), Prince Sisowath Sirirath (Cambodia), Mr. Nobile (Croatia), Mr. Valencia Rodriguez (Ecuador), Mr. Elaraby (Egypt), Mr. Graf zu Rantzau (Germany), Mr. Martinez Blanco (Honduras), Mr. Wisnumurti (Indonesia), Mr. Khoshroo (Islamic Republic of Iran), Mr. Abu Odeh (Jordan), Mr. Baumanis (Latvia), Mr. Razali (Malaysia), Mr. Snoussi (Morocco), Mr. Vilchez Asher (Nicaragua), Mr. Biørn Lian (Norway), Mr. Yoo (Republic of Korea), Mr. Goritza (Romania), Mr. Cissé (Senegal), Mr. Türk (Slovenia), Mr. Idris (Sudan), Mr. Abdallah (Tunisia) and Mr. Batu (Turkey) took the places reserved for them at the side of the Council Chamber.

The President: I have also received a request dated 8 November 1994 from Ambassador Dragomir Djokić to address the Council. With the consent of the Council, I would propose to invite him to address the Council in the course of the discussion of the item before it.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in response to the request contained in a letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council, document S/1994/1248. I should like to draw the attention of the members of the Council to document S/1994/1251, containing the text of a note by the Secretary-General dated 4 November 1994, transmitting General Assembly resolution 49/10, entitled "The situation in Bosnia and Herzegovina".

Mr. Marker (Pakistan): At the outset, I would like to convey to the Council the gratitude of my delegation and of the States members of the Contact Group of the Organization of Islamic Conference (OIC) on Bosnia and Herzegovina, for convening this urgent meeting of the Security Council to consider the latest situation prevailing in the Republic of Bosnia and Herzegovina. I have the great honour to address the Council both as the representative of Pakistan and as the Chairman of the OIC Contact Group on Bosnia and Herzegovina.

The Islamic world has been deeply concerned and anguished by the developments in the Republic of Bosnia and Herzegovina from the very beginning of the war imposed on Bosnia by the Serbs. The continued aggression against the Republic of Bosnia and Herzegovina and the endless "ethnic cleansing" and genocide of its civilian population, particularly the Muslims, constitutes one of the gravest tragedies of modern times. The Bosnian people are not only the target of Serbian aggression and genocide but also the helpless victims of a double standard that on the one hand failed to respond effectively to the Serbian aggression and on the other hand denied the Bosnian people their inherent right to self-defence.

Numerous Security Council and General Assembly resolutions — and the commitments and promises made to the Government and the people of Bosnia and Herzegovina — remain unimplemented and unfulfilled.

Genocide, a systematic campaign of "ethnic cleansing" and crimes against humanity, and other violations of international humanitarian law continue unchecked and unabated.

In a spirit of peace and reconciliation the Government of Bosnia and Herzegovina has made important concessions and sacrifices. President Alija Izetbegovic has displayed great statesmanship by accepting the peace proposal of the five-nation European Contact Group, which was endorsed by the Security Council in the recent past. This peace proposal does not fulfil the requirements of justice and equity, as it will not fully reverse the consequences of Serbian aggression and "ethnic cleansing" in Bosnia and Herzegovina, but we nevertheless commend the Government of Bosnia and Herzegovina for the constructive approach and goodwill it has demonstrated.

The Bosnian Serb party, however, continues defiantly to reject the peace plan. We strongly condemn and deeply deplore this intransigent attitude and the persistent disregard of the will of the international community.

While the Serbs have demonstrated utter contempt for the resolutions of the Security Council, which are mandatory, the international community has, sadly, stood by as a silent spectator. It is ironic that instead of punishing the Serbs, the Security Council, on 23 September 1994, adopted resolution 943 (1994), partially easing sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) in response to its willingness to place a limited number of international monitors along its borders with the Serb-held areas in Bosnia. We regard this move by the Security Council as rewarding the aggressor and feel that it has further hardened the Serbian position with regard to the overall peace settlement in Bosnia and Herzegovina. Pakistan had voted against that resolution.

Since the start of the conflict the Organization of the Islamic Conference (OIC) has remained seized of the tragic situation in Bosnia and Herzegovina. It has consistently supported the legitimate rights of the Republic of Bosnia and Herzegovina and of its people. The OIC will continue to extend its unflinching support to its Bosnian brethren.

The Seventh Extraordinary Session of the Foreign Ministers of the OIC, held at Islamabad from 7 to 9 September 1994, adopted a declaration and a comprehensive resolution strongly urging all concerned to take a series of measures to strengthen the peace process

and to reverse the consequences of aggression against Bosnia and Herzegovina.

The OIC has held the view that the arms embargo imposed upon the former Yugoslavia by Security Council resolution 713 (1991) does not apply to Bosnia and Herzegovina. In this context, the relevant resolution of the Seventh Extraordinary Meeting of the OIC Foreign Ministers reiterated the inapplicability of Security Council resolution 713 (1991) to the Republic of Bosnia and Herzegovina and the Republic of Croatia and called upon the Security Council to confirm this. It continued:

"If no Security Council confirmation is forthcoming, the OIC membership, along with other United Nations Members, will come to the conclusion that members acting individually or collectively can provide the means of self-defence to the Government of the Republic of Bosnia and Herzegovina." (A/49/448, p. 29)

Pakistan has consistently advocated that the inherent right of the Bosnian people to self-defence under Article 51 of the United Nations Charter should be restored without any delay. We believe that the military imbalance in favour of the Serbian side has been a crucial factor in the perpetration of "ethnic cleansing" and genocide against the defenceless Bosnian civilians. The embargo on the deliveries of weapons and military equipment to the Republics of the former Yugoslavia has not brought peace and stability. In fact, it has resulted in the continuation of aggression against the Republic of Bosnia and Herzegovina with even greater vigour. It has perpetuated atrocities, massacres and slaughters of the defenceless civilians in Bosnia, mostly the Muslims. The military superiority of the Serbian side has made it even more defiant of the will of the international community.

Under Article 51 of the Charter, a Member State's inherent right to self-defence cannot be impaired

"until the Security Council has taken measures necessary to maintain international peace and security."

The Republic of Bosnia and Herzegovina, a United Nations Member State, still remains at the mercy of an enemy whose objective it is to exterminate that State. Under these circumstances, the denial of the application of Article 51 of the Charter to the Republic of Bosnia and Herzegovina constitutes a serious and shameful

abrogation by States Members of the United Nations of their duties and obligations under the Charter.

President Alija Izetbegovic has demonstrated a great deal of courage and flexibility by seeking the *de jure* lifting of the arms embargo, with its effective application deferred for up to six months, thus providing the Bosnian Serbs time to accept the peace plan. The Security Council should now move swiftly to end the arms embargo on the Government of Bosnia and Herzegovina. In this context, we welcome the recent initiative of the United States in the Security Council and will extend our full support to the early adoption of such a resolution. We urge all Council members to support this initiative unanimously.

At the same time, further measures should be adopted by the Security Council to declare the entire 51 per cent of the territory allocated to the Muslim-Croat Federation a "safe area". The Security Council should effectively respond to any further violations of its resolutions, particularly those concerning safe areas, by the use of force and air strikes. Appropriate means should be taken to prevent another humanitarian catastrophe in Sarajevo during the coming winter months.

We note that the International Tribunal set up to try crimes against humanity in the former Republic of Yugoslavia has commenced its work. We appeal to the international community to come forward with material and financial assistance to the budget of the International Tribunal, to which Pakistan has already made a contribution of \$1 million. We urge the Tribunal to take urgent steps for the prosecution and punishment of war criminals. The Tribunal must also establish a liaison office in Sarajevo in order to coordinate its work with the authorities in Bosnia and Herzegovina.

In conclusion, I should like to take this opportunity to reiterate the full support of the Government and the people of Pakistan for the principled, courageous and conciliatory position taken by the Bosnian Government, especially by accepting the five-nation European Contact Group's peace plan, and by offering to defer the lifting of the arms embargo. We will continue to support the brave people of Bosnia and Herzegovina in their just struggle for survival and freedom.

Mr. Mérimée (France) (*interpretation from French*): Today the Council is once again debating the situation in Bosnia and Herzegovina. It is, however, doing so in a new context. Indeed, in recent months the peace efforts have led

to significant results that we need to consolidate and enhance.

After the European Union's plan of action laid down the parameters of a political agreement a year ago, and following the turning points in the conflict created by the Sarajevo ultimatum and the formation of the Croat-Bosniac Federation, the establishment of a Contact Group made it possible to unite the diplomatic efforts of the European Union, the United States and the Russian Federation.

The peace plan presented to the parties by the Contact Group obtained the support of the international community. It was accepted by the Government and the President of the Republic of Bosnia and Herzegovina — to whom we are grateful — and by Croatia and Serbia. Only the Bosnian Serbs have, thus far, rejected it.

The reversal of the authorities in Belgrade has been reflected in a break in the political and economic relations between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs on whom resolution 942 (1994) imposed severe sanctions. In fact the self-proclaimed authorities of Pale are now in total isolation.

At the same time, the negotiations on a *modus vivendi* in Croatia are continuing and a plan for a political settlement is being prepared within the framework of the International Conference on the Former Yugoslavia. A series of high-level exchanges between Zagreb and Belgrade began last week at the prompting of the co-Chairmen. Such contacts, if pursued in good faith, may be decisive. There cannot indeed be a lasting settlement in Bosnia and Herzegovina without an agreement in Croatia. The recognition of each other by Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) is the key to a political solution to the two conflicts.

The results obtained must be assessed in the light of what, today, would be the situation in Bosnia and Herzegovina if the international community had not manifested its resolve in Sarajevo, its will to achieve a cessation of the hostilities and its determination to promote a peaceful solution.

From this point of view, the United Nations Protection Force (UNPROFOR), by pursuing its mission, often in very difficult conditions, has created the environment needed in the search for a peaceful solution,

by working tirelessly for the conclusion and control of cease-fire and disengagement agreements. It has also played an inestimable role in supplying humanitarian assistance to populations without which the non-combatants would not have been able to survive. It has well earned its name of "Protection Force". Let us not forget that UNPROFOR has saved hundreds of thousands of human lives. We pay tribute to its work.

The international community will now be pursuing its efforts to overcome the obstinacy of those who have rejected the peace plan and to encourage those who have approved it to work towards an overall settlement.

In this regard, we expect Belgrade to recognize Bosnia and Herzegovina and Croatia, to continue its support for the plan of the Contact Group, to continue to have no political and economic relations with the Bosnian Serbs, and to approve the plan of the International Conference on the Former Yugoslavia, which will be put before the parties as a basis for a political solution in Croatia.

With respect to the Bosnian Serbs, there are two ways we can bring them to accept the Contact Group's plan: on the one hand, through continued strict political and economic isolation, which will intensify the pressure that is already being exerted on them as a result of the gradual depletion of existing stocks; and on the other hand, through confirmation of the fact that the various communities will enjoy equal rights with regard to the constitution, subject to the preservation of the integrity of Bosnia and Herzegovina. This will deprive the extremist Serbs of the arguments they are using now to deceive their population and reject our proposals on the ground that they are being subjected to unfair treatment.

There is a need to consolidate and build upon the results obtained through the diplomatic process. For this reason, efforts are continuing within the International Conference on the Former Yugoslavia and the Contact Group. In this regard, it is essential to maintain a unified and resolute line of action and to enjoy the support of the international community.

However, while the political process is continuing and pressure is being exerted on the Bosnian Serbs, we cannot, unfortunately, fail to note the tendency towards seeking a military solution.

Recent actions by the forces of the Government of Bosnia and Herzegovina and the Croat-Bosniac Federation,

in particular in the area of Bihac and around Sarajevo, if they were to continue, could lead to an escalation, the result of which would be unclear but the political consequences of which would be clear: a halt to the diplomatic process, and the eventual withdrawal of UNPROFOR, which would be prevented from exercising its mandate, and whose security would be threatened. For this reason, we strongly appeal to the Government of Bosnia and Herzegovina and to the other parties involved to cease hostilities and to refrain from fresh military offensives.

The proposals for lifting the embargo on arms to be delivered to the Government of Bosnia and Herzegovina, even if deferred for six months, would, still more surely, have the same consequences.

First, the continuation of the diplomatic efforts would be jeopardized. One cannot indeed simultaneously follow a logic of war and a logic of peace. Once the Council's decisions were known, the parties would be preparing for war.

Then UNPROFOR would be exposed to the consequences of offensive military action and reprisals. It would be taken hostage, its security would be jeopardized, and it would be rendered useless. The numerous declarations of the protagonists on the ground leave no doubt on this subject — such would be the chain of events that would be triggered.

Such a measure would inevitably imply a withdrawal of UNPROFOR, which would have to be carried out before the actual lifting of the embargo. I recall, moreover, that the Force was deployed within the context of the establishment of the embargo on weapons. The elimination of that embargo would inevitably affect the very conditions that allowed for the deployment of UNPROFOR. The withdrawal of the Force would mean the end of assistance and of protection for many peoples.

Moreover, a lifting of the embargo on weapons for Bosnia and Herzegovina would intensify tensions between the communities of Bosnia and Herzegovina and the countries which emerged from the former Yugoslavia. It would indeed be very difficult to avoid counter-claims. We note that Slovenia has already made such a claim. Croatia, the obligatory transit point for the shipment of weapons to Bosnia and Herzegovina, would be in a position to impose, for example, political conditions on the destination of the weapons.

Finally, the Bosnian Serbs, for their part, would put an end to any chance for dialogue. The increase in radicalism that would follow would close the way to a political settlement, not only in Bosnia and Herzegovina, but also in Croatia.

Circumstances in no way justify lifting the arms embargo, at a time when the military situation is stabilized, or at least was until these last few days, when the Contact Group is actively pursuing its efforts, when new pressures are being exerted on the Bosnian Serbs and finally when negotiations are under way with regard to the zones protected by the United Nations in Croatia. They certainly do not justify the resumption of hostilities we have noted recently.

For these reasons, my Government will spare no effort to oppose the trends which could emerge in favour of a military solution. It will devote all its energy to consolidating and developing the results achieved through the diplomatic process. It is convinced that our Council will give its full support to the efforts under way and to the pursuit of the political process.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The discussion in the Council of the question of the situation in Bosnia and Herzegovina is taking place against the backdrop of a drastic intensification of hostilities between the parties to the conflict. Once again blood is being shed; there is an increase in the number of refugees; the delivery of humanitarian assistance is becoming more difficult, and there is an increased threat of a large-scale war. Not only is all of this greatly hampering our efforts to find a settlement acceptable to all the Bosnian parties, but it can also lead to a total breakdown of the efforts to revive the peace process.

We are seriously concerned by the fact that, according to existing information, the present military escalation in Bosnia became possible largely as a result of continued deliveries of arms to the Bosnian Government troops, in violation of the terms of the military embargo. It is worth noting that these violations of Security Council resolution 713 (1991) have become quite flagrant and the relevant facts are openly acknowledged even at the governmental level.

In the present circumstances it is appropriate to recall once again that the Bosnian conflict cannot be solved by military means and that the only way to achieve peace is through a political settlement resulting from negotiations.

This is precisely the policy set forth in the decisions agreed upon by the Contact Group and, in this connection, Russia intends firmly to honour its commitments. We attach great significance to the fact that the principle agreed upon by the Ministers of Foreign Affairs of the Contact Group on the use of negative and positive stimuli, depending on the attitudes of the parties to the peace proposals, has found support in the Security Council. On this basis the Council took a decision to tighten sanctions against the Bosnian Serbs as parties rejecting the map of territorial limitation and simultaneously imposed partial sanctions on the Federal Republic of Yugoslavia, which supported the peace plan and closed its border with Bosnia and Herzegovina to all except humanitarian supplies. It is important to note that these decisions of the Council are already in practice and are working effectively in favour of a peaceful settlement. It is necessary to state clearly that the international community now has an ally in Belgrade helping to put pressure on the leadership of the Bosnian Serbs in order to prompt them to adopt difficult, albeit the sole possible, compromise decisions.

In that context, I should like to emphasize once again that the offensive actions unleashed in Bosnia and Herzegovina are by no means promoting the achievement of compromises. Indeed, they are leading to a further hardening - or reinforcing - of the positions of the parties of war in the leadership of all the parties to the conflict. Particularly alarming in recent days has been the use of the safe areas by the troops of the Bosnian Government to carry out attacks and provocations which threaten the lives of the civilian population and incur the risk of large-scale military actions. We call on the Bosnian Government and all the parties to the conflict to reject attempts to solve the problem by military means. In addition, it is necessary now to introduce certain changes into the concept and regime of the safe areas, taking into account the appropriate assessments and recommendations formulated by the Secretary-General, in particular in his report of 9 May 1994 contained in document S/1994/555. In this connection, possible decisions of the Security Council should not be perceived as being aimed at any one of the parties. On the contrary, the objective would be more accurately to implement the spirit and letter of the resolutions adopted by the Council, especially from the point of view of protecting the interests of the peaceful population and preventing the situation from deteriorating into uncontrolled military confrontation.

We pay tribute to the courage of the United Nations Protection Force (UNPROFOR) which, in difficult

circumstances, is carrying out its responsible and highly humane mission with dignity. We note the tireless efforts of the political and military leadership of UNPROFOR to find a solution to the numerous complex situations through negotiation.

As to the idea of lifting the embargo on the delivery of weapons to the Government of Bosnia and Herzegovina, Russia continues to be committed to the Geneva communiqué of the Ministers of Foreign Affairs of the member States of the Contact Group. We believe that the lifting of the embargo is an extreme measure which should be considered only after all political means have been exhausted - and that point has definitely not yet been reached. Moreover, lifting the embargo in the present conditions would have the most negative consequences for the political process, for the continued rendering of humanitarian assistance to the population of Bosnia and Herzegovina, and also for the United Nations peace-keeping operation, in which Russia is also a participant. Naturally, in defining our attitude to the idea of lifting the embargo as in assessing the most recent events in Bosnia and Herzegovina, we cannot fail to take into account the security interests of the UNPROFOR personnel, including those of the Russian battalion, which is in one of the flashpoints in Sarajevo.

In conclusion, Russia is firmly convinced of the need for comprehensive support for and continuation of the peaceful efforts to encourage the parties to adopt the proposals of the Contact Group. In our view, these proposals, together with the appropriate Security Council resolutions, are a realistic foundation for a lasting peaceful settlement based on the principles of justice, impartiality and equal rights of all.

Sir David Hannay (United Kingdom): The views of my Government on the situation in Bosnia and Herzegovina were very fully and eloquently reflected in the statement made on behalf of the European Union in last week's General Assembly debate by the German presidency and Ambassador zu Rantzau will again be contributing, on our behalf as a member of the European Union, to the present debate.

As we hold this debate the situation in Bosnia remains extremely fragile. The only hope for an end to violence and, ultimately, a return to peace and prosperity, rests with a negotiated settlement agreed by all the parties; but that happy and strongly-to-be-desired outcome is still not at hand.

Throughout this terrible conflict, my Government's policy has had three basic objectives: to end the fighting by promoting a peace settlement; to prevent the conflict intensifying and spreading, and, to alleviate the suffering of the innocent civilians of all parties by supporting and protecting the aid effort.

The work of United Nations Protection Force (UNPROFOR) to which we have contributed substantial forces has made an essential and irreplaceable contribution to all three of those objectives. Those objectives remain as valid today as they were in April 1992. And much has been achieved. At this time last year an average of 1500 shells were falling on Sarajevo every day. Today, as the presence of UNPROFOR and the threat of North Atlantic Treaty Organization (NATO) airpower underpin an exclusion zone around the city, bombardment has largely ceased. In June and July this year, 89 civilians in Sarajevo were killed by snipers on both sides. Since UNPROFOR negotiated an anti-sniping agreement in mid-August, there have been only 10 deaths. Utilities in Sarajevo are running at a higher level now than at any time since the war broke out. The gas and electricity supplies are incomparably better than they were last winter. Last month the United Nations High Commissioner for Refugees was able to deliver 2,000 tons more aid to Sarajevo than had been planned.

There has also been remarkable progress this year in central Bosnia, where an end to a year of bitter fighting between the Bosniacs and the Bosnian Croats led to a cease-fire between their forces and - with the help of American mediation - the Washington agreement to unite their territories in a Bosnian Federation. Since then UNPROFOR has played a crucial role in cementing the cease-fire, with significant results on the ground. Currently, over 90 per cent of aid convoys reach their destination, as opposed to just over 51 per cent before the cease-fire. UNPROFOR, including British troops, has taken the lead in restoring normal life to central Bosnia, and the European Union has taken on the massive but necessary task of bringing normal life back to Mostar after some of the worst fighting and destruction of the war. United Nations troops have helped to rebuild bridges, restore electricity and reconnect water supplies. In these and many other ways, they have transformed the conditions on the ground for the local communities.

These are only one or two examples of what has been achieved, but they represent a wider reality. Across

Bosnia, 1994 has seen more progress and more stability than in the two years of war which preceded it.

But let us have no illusions. These gains are fragile and reversible. They cannot be sustained, let alone expanded, without further progress towards peace. The Contact Group, representing the combined diplomatic efforts of the European Union, Russia and the United States, put an agreed proposal for a Bosnian settlement to the parties this summer. The Bosnian Federation accepted; the Bosnian Serbs did not. As a result, this Council has supported the most comprehensive possible international isolation of the Bosnian Serbs and has tightened sanctions against them. Their fellow Serbs have also lost patience. For three months now, President Milosevic has closed the border with Bosnia and allowed only food, clothing and medicine to the Bosnian Serbs. He has supported the Contact Group map and condemned the Bosnian Serbs for their rejection of it.

The continued intransigence of the Bosnian Serbs now represents by far the greatest obstacle on the path to peace in Bosnia, and thus more widely in the former Yugoslavia. But the new readiness of the Government in Belgrade to back the Contact Group's efforts and to isolate the Bosnian Serbs also offers an opportunity. With the road to peace through the Contact Group plan for Bosnia at present obstructed by the Bosnian Serbs, we believe — as the European Union presidency statement last week made clear — that Belgrade can now take a series of significant steps, all within its own power, to give new impetus to the peace process and to lay the foundation for peace settlements in Bosnia and Croatia. What we ask is that the Federal Republic of Yugoslavia recognize Croatia and Bosnia; maintain its support for the Contact Group plan for Bosnia; continue its embargo against the Bosnian Serbs until they accept that plan; and throw their weight behind a peace plan for Croatia as well.

We are today debating Bosnia, but we must not ignore Croatia. There too, a cease-fire crucially underpinned by the United Nations Protection Force (UNPROFOR) has been in place since March. The Croats and the Krajina Serbs have resumed talks on economic issues. We now urgently need progress on a peace settlement for Croatia. The International Conference on the Former Yugoslavia is working out a plan, consistent with the long-established international parameters. This means the consolidation of Croatian sovereignty over all the Serb-held areas, matched by far-reaching autonomy within Croatia for those areas with local Serb majorities. My Government strongly supports the efforts of the International Conference and

urges the parties to be ready to negotiate flexibly and realistically to achieve a lasting solution on which peace in Croatia can be based.

But if there is to be progress in Bosnia and in Croatia, that requires the Governments in Zagreb, in Belgrade and in Sarajevo to talk to each other and to re-engage in dialogue. All three support the Contact Group plan for Bosnia. They must now translate that support into deeds and take the brave and difficult steps that are needed by all sides to end this terrible conflict.

Naturally, my Government is alarmed at the recent upsurge in fighting in Bosnia, and the potentially disastrous humanitarian consequences that could follow. Our alarm is not because the Bosnian Serbs are now having to swallow some of the bitter medicine they so liberally dispensed earlier in the war. But we share the concerns expressed by UNPROFOR about the risks of an escalating spiral of violence and the damage this would cause to the prospects for peace. We call upon all parties to refrain from attacks on United Nations personnel. The United Kingdom reaffirms its support for UNPROFOR's attempts to achieve a comprehensive cessation of hostilities throughout Bosnia, and in particular it backs its efforts to make progress towards the demilitarization of Sarajevo.

I cannot conclude without mentioning the proposal to lift the arms embargo, which is currently before the Council. I shall not rehearse at length my Government's arguments against lifting the embargo. They are well known and widely shared, throughout the European Union and by many troop contributors from elsewhere. These countries have all made it clear that they could not keep their troops in UNPROFOR if the embargo were lifted.

Contact Group Ministers recognized back in July that, without progress towards peace in Bosnia, pressure to lift the embargo could, as a last resort, become unavoidable. We do not yet have peace in Bosnia, but we have made progress and there is a chance for peace, all of which would be endangered by lifting the arms embargo or by setting now a date in the spring by when it would be lifted. Is this really the moment to put at risk the fragile, but valuable gains on the ground — in Sarajevo, and in central Bosnia, which it would be impossible to sustain if UNPROFOR were forced to withdraw? How could the protection of the eastern enclaves be assured in those circumstances? How would the essential humanitarian work be carried forward this

winter, if UNPROFOR was preoccupied with planning and executing its own withdrawal? These are hard questions to answer.

None of us want to lose the gains of the past year. That is why my Government could not support the draft resolution that is before the Council. The priority now is to make early and visible progress towards settlements in Bosnia and Croatia. That remains my Government's prime objective and it should be, I believe, our common goal.

The President: I should like to inform the Council that I have received a letter from the representative of Guinea-Bissau, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Touré (Guinea-Bissau) took a place at the side of the Council Chamber.

Mr. Kovanda (Czech Republic): This is the second time in so many weeks that the Czech Republic has had an opportunity to express itself on the matter at hand, having reviewed our position last week in the General Assembly. Still, a discussion in the Security Council allows us to elaborate further on some of its aspects. I will concentrate today on the issue of the arms embargo, far and away the bone of the greatest contention.

The arms embargo, or its lifting, cannot be, and surely is not, viewed as an end in itself. Surely, even its advocates consider it a vehicle, a means, to reach an equitable solution, an acceptable end to the conflict in the Republic of Bosnia and Herzegovina.

For a couple of years now, the preferred vehicle for reaching an equitable solution to the conflict has included the presence in the former Yugoslavia of the United Nations Protection Force (UNPROFOR). In this, UNPROFOR has not met all expectations. It has not ended the war. It has not managed completely to investigate, or even prevent, let alone reverse, many barbarous instances of ethnic cleansing perpetrated by Bosnian Serbs. It has certainly not managed — nor actually was it designed for

that purpose — to regain territory that Bosnian Serbs had usurped by force.

The knee-jerk reaction to these observations might then be: "Let's get rid of UNPROFOR!" And yet, while its functioning has not met — indeed, could not have met — all our expectations, its presence in the Republic of Bosnia and Herzegovina is generally viewed as beneficial.

Lifting the arms embargo would, however, have the same effect as the knee-jerk reaction: it would lead, at the very least, to the disintegration of UNPROFOR as we know it. Many key troop contributors would respond to the increased level of danger by withdrawing their troops. Even my country, whose more than 900 troops are serving in Croatia, might be tempted to withdraw them. Some countries would no doubt stay, and others might step in to fill the breach; but even under the best of circumstances, UNPROFOR, weakened, possibly critically, would be in disarray.

It would be weakened and in disarray at the very moment when the military theatre was in flux. It is hard to imagine that, once the embargo were lifted, Bosnian Serbs would sit on their hands. It is hard to imagine that they would twiddle their thumbs while forces of the Federation were being armed. It is much more likely that vicious fighting would erupt immediately throughout the territory of the Republic of Bosnia and Herzegovina, and that — with UNPROFOR troops focusing on their own withdrawal and thus unable to provide any shield whatsoever to civilians — the war toll would be greater than we would today even want to contemplate.

The plight of civilians would actually be even rougher than this: in many places, civilians manage today thanks to relief provided by United Nations agencies and international humanitarian organizations. These can frequently function only because of protection afforded by UNPROFOR. Certainly, lives dependent on relief are wretched. Certainly, UNPROFOR's protection is not airtight. Certainly, there are pockets where even this meagre assistance is not available. But even this relief, admittedly limited, would disappear completely with UNPROFOR.

The question, thus, is the following: What is more useful — in the short run for Bosnian civilians, and in the long run for ending the war in an equitable and acceptable way: the presence of UNPROFOR, with all its shortcomings, or an inflow of arms? My Government

believes that the presence of UNPROFOR, especially of an UNPROFOR closely cooperating with the North Atlantic Treaty Organization, is without a doubt the more useful vehicle.

The implications of lifting the embargo are even wider, though. As I mentioned, troop contributors such as my own country might think of withdrawing their troops not only from UNPROFOR in the Republic of Bosnia and Herzegovina but also from Croatia: after all, Chapter VII is Chapter VII. Withdrawing UNPROFOR from Croatia, that is, from Croatia's United Nations protected areas, would lead to further consequences. We realize that feelings of the Croat population about UNPROFOR have been mixed and, as my delegation stated last month in the General Assembly, we sympathize with their frustrations. Nevertheless, Croatian authorities welcome UNPROFOR's presence. A likely UNPROFOR withdrawal from Croatia as a consequence of lifting the arms embargo on Bosnia and Herzegovina would undercut the Croatian authorities and would again lead to spreading the war, and to its flaring up anew in that country as well.

At this juncture, my Government believes that the best chance for ending this war lies in the continued diplomatic efforts of the Contact Group. These efforts would be dramatically undercut without an UNPROFOR. These efforts require that Bosnian Serbs accept the territorial arrangement proposed by the Contact Group. Resolution 942 (1994) is a vehicle to help them concentrate their minds on this, while resolution 943 (1994) is a vehicle for assuring Belgrade that the international community has noticed their change of attitude. We still hope that Belgrade's change of attitude amounts to a true change of heart, and we are reviewing very carefully the reports of the co-Chairmen of the International Conference on the Former Yugoslavia on how earnestly Belgrade is meeting its obligations. We have also noted with great interest the European Union's suggestions as to the next steps Belgrade should undertake, as presented by Germany to the General Assembly last week, and we are very curious about Belgrade's reaction to them. Certainly, the need for mutual recognition of States in the area, within their internationally recognized borders, is one obvious next possible step; and, indeed, we consider the decision of the Federal Republic of Yugoslavia (Serbia and Montenegro) to close down its border with the Republic of Bosnia and Herzegovina to amount to de facto recognition of that border.

The approach of the Contact Group is not infallible, and its territorial proposals are not ideal. Still, we think that after the frustrations of the past years, it is the best

option at hand. We underscore the importance of unity within the Contact Group if it to have even a chance of being effective. And as for the arms embargo we think one thing should be obvious: more guns do not yield more peace.

Mr. Keating (New Zealand): My delegation is very grateful to the delegation of Pakistan for requesting this meeting. It gives the Security Council the opportunity to consider the situation in Bosnia and Herzegovina in the light of General Assembly resolution 49/10, which was adopted by the Assembly last week. In the view of my delegation, that resolution constitutes a comprehensive approach to the problems confronting Bosnia and Herzegovina. Given the many decisions the Council has taken in respect of that situation, it is appropriate and desirable that the voice of the General Assembly as expressed through that resolution be discussed in this forum, and that further decisions of the Council be informed by the Assembly's views.

Throughout its term on the Security Council, New Zealand has given strong support to the Government of Bosnia and Herzegovina. This support springs from the sympathy we feel for a newly independent nation whose right to freedom and security was stolen at birth. New Zealand has expressed its support in many ways: by support in the Security Council for Bosnia; by support for the United Nations Protection Force (UNPROFOR); by support for a robust use of air power to protect safe areas; and, perhaps most importantly, by sending a contingent of our armed forces to Bosnia to join the United Nations peace-keeping operation. We have also accepted refugees from Bosnia and have contributed to the relief operations being mounted in the former Yugoslavia by United Nations and other agencies and by non-governmental organizations.

There is a great deal therefore in General Assembly resolution 49/10 which we can and do support. The resolution highlights the arrogance of the Bosnian Serbs in refusing to accept the proposed territorial settlement. The resolution rightly underlines the fact that this refusal to accept the settlement is linked to the many violations of human rights which have occurred in Bosnia: a horrifying catalogue of rape, murder and dispossession, of the seizure of land and other property, of the killing of hundreds of thousands of people — all of which has come to be known as "ethnic cleansing".

The resolution also points to a way ahead in its call for mutual recognition between the Republic of Bosnia

and Herzegovina and the former Republic of Yugoslavia (Serbia and Montenegro) within their internationally recognized borders, and in its further call for compliance with all relevant Security Council resolutions. This is a course of action which New Zealand has already, on a number of occasions, strongly supported in this Chamber.

The failure of the Bosnian Serbs to comply with Security Council resolutions still constitutes the major challenge to the Security Council in the present situation. The General Assembly resolution suggests various ways in which pressure could be brought to bear so that non-compliance comes to an end.

The question of what sort of pressure should be brought to bear, and how, is crucial. In the past year we have seen a number of important developments take place in response to pressure from the international community. The Bosniac and Croat communities in the Republic have resolved their political differences and have formed a federation. That has been one effective element of pressure. Another form of pressure, which we have strongly supported, is the use of air power of the North Atlantic Treaty Organization (NATO), as authorized by the United Nations. We note that this has also had some positive results. It has stopped the worst of the bombardment of Sarajevo and attacks on other safe areas.

The member nations of the Contact Group have committed themselves to a peace plan for Bosnia which has been accepted by all parties except the Bosnian Serbs. This has been a very important element of political pressure.

Responding to the Security Council pressures imposed on them, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have closed their border with Bosnia so as to isolate the recalcitrant Bosnian Serbs, and a modicum of the measures imposed on Belgrade have been suspended in consequence. There is evidence here also that international pressure is having some positive impact.

Finally, legal pressure has also been applied. The Yugoslavia war crimes Tribunal is now established, and its first prosecution has begun.

We believe these developments have come about because of the determination and commitment of the international community. We believe they have resulted in a significant improvement in both the material and the political situation of the beleaguered citizenry of Bosnia. They have achieved much. But we would be the first to

acknowledge that they still fall far short of what has to be done. The General Assembly resolution, in its reiteration of provisions from last year, reminds us how much still has to be achieved: first, the restoration and reconstruction of Sarajevo; secondly, the opening of Tuzla airport; thirdly, full implementation of the "safe areas"; fourthly, redress of the consequences of "ethnic cleansing"; and, fifthly, return of refugees and displaced persons.

But more fundamentally, the General Assembly has rightly condemned the refusal of the Bosnian Serbs to negotiate within a framework which takes as its starting-point the territorial integrity of Bosnia and Herzegovina. It is at this level that we are no further forward. In clinging to outmoded and repugnant concepts of ethnic purity, the Bosnian Serbs are condemning themselves to a state of banishment. There is indeed a depressing familiarity about their continued refusal to acknowledge that their political future cannot be determined in isolation from that of other communities in Bosnia. The Bosniacs and the Croats have acknowledged this through their establishment of a Federation and their endorsement of the peace plan put on the table by the Contact Group. The Bosnian Serbs must do likewise.

The international community now has a range of measures at its disposal — diplomatic, legal, economic and military — to persuade the Bosnian Serbs to change course. These measures all have two characteristics in common: they are collective, and they are sanctioned by the United Nations. That means they carry the full weight of the international community.

Unfortunately, this cannot be said of the provision in the General Assembly resolution that encourages the Security Council to exempt the Governments of Bosnia and Herzegovina and of the Federation from the arms embargo imposed on the former Yugoslavia in 1991. We believe that for the Council to take such a step would be to move away from collective action. As others have said, there may come a time when there is no alternative. However, if that time were to come, it would mean that the United Nations as such, in terms of the collective security provisions of the Charter, no longer had a role in Bosnia and Herzegovina.

New Zealand does not believe that that time has come, nor would it be welcome if it did, because it would mean, in our view, an abandonment of peacemaking and a recourse to the verdict of war. Rather, we believe that now is the time to redouble

efforts in the search for a political settlement and not to signal a return to general warfare. For this reason New Zealand abstained in the vote on General Assembly resolution 49/10 and we would do likewise on any draft resolution presented to the Council which had the same effect.

Mr. Al-Khussaiby (Oman): For nearly three years the Security Council has expended time and efforts to discuss the situation in the Republic of Bosnia and Herzegovina and to render its support to the relevant resolutions adopted by this body and to encourage the concerned parties to genuinely implement them.

In this context, my Government notes with appreciation the efforts of many countries towards resolving the conflict in the Republic of Bosnia and Herzegovina, particularly the efforts made by the members of the Contact Group to reach a peaceful settlement, a settlement that would safeguard the interests of all parties and bring peace and security to that part of the world, which has been shattered by the war. In addition, my country has reiterated its support for the plan of territorial settlement presented by the Contact Group, which to date has received the unconditional acceptance by all parties except, unfortunately, the Bosnian Serbs.

My Government is deeply concerned over the rejection of the territorial settlement plan by the Bosnian Serbs. It views this unjustifiable rejection as a denial of all peaceful efforts made in this regard aimed at bringing peace and tranquillity to Bosnia and Herzegovina.

Undoubtedly, the exemption of the Government and the Federation of Bosnia and Herzegovina from the provisions of resolution 713 (1991) is one of the most important demands receiving wide support among the international community. While the Government of Oman fully understands the argument and the reasons of those countries that are not in favour of the lifting of the arms embargo imposed against the Republic of Bosnia and Herzegovina, and particularly the views of those countries which have soldiers serving on the ground in the United Nations Protection Force (UNPROFOR), we do see the necessity of creating a balance of power in the area because of the military strength of one side, the Bosnian Serbs. The United Nations can positively help in creating a balance of power through exempting the Government and the Federation of Bosnia and Herzegovina from the provisions of resolution 713 (1991).

Despite the delay in the international community's response to the demands of the Bosnian Government to exempt it from the arms embargo, which would enable it to exercise its legitimate right of self-defence, we believe that if such a decision had been taken earlier, peace could possibly have been reached by now. Nevertheless, the international community could still learn from the past and correct its mistakes, which is especially appropriate when we note that resolution 713 (1991) did not fulfil our expectations.

The past three years have proven that resolution 713 (1991) did not contribute to bringing about a peaceful settlement to the conflict in Bosnia and Herzegovina. On the contrary, the Bosnian Serbs have used that resolution to improve their bargaining position with the international community by pursuing military options through using force and the policy of "ethnic cleansing" and creating detention camps to further their military gains and erase the identity of that nation. Fortunately, their policy was proven wrong.

We have to draw the Council's attention to the fact that, owing to the rejection of peace initiatives, the Bosnian Serbs have let an important opportunity pass by without grasping it. The international community cannot remain silent over what is going on in the Republic of Bosnia and Herzegovina; nor can it accept the status quo, in which 70 per cent of the territory of the Republic of Bosnia and Herzegovina is under the control of the Bosnian Serbs.

Today this body has an opportunity to amend the mistakes of the past and to restore the faith of the people of the Republic of Bosnia and Herzegovina, who have suffered tremendously over the past few years, by adopting a decision to exempt the Bosnian Government from the shadow of the arms embargo. This body would be sending a strong message to the Bosnian Serbs that aggression cannot be rewarded and that only adherence to the peaceful initiatives — namely, the unconditional acceptance of the territorial settlement plan — would bring them back into the community of nations and safeguard their future interests. It would be sending a message condemning the use of heavy weapons, which led to the deaths of hundreds of civilians in the Sarajevo market, Gorazde, Maglaj, Tuzla, Banja Luka and all other areas of the Republic of Bosnia and Herzegovina.

Stemming from my country's support for the idea, the Government of Oman was prepared to join other members of the Security Council in submitting a draft

resolution regarding the lifting of the arms embargo that had been imposed on the Government of Bosnia and Herzegovina. In accordance with that position, my country today extends the same support for the latest draft, to be submitted. This calls for the exemption of the Government and the Federation of Bosnia and Herzegovina from the arms embargo.

In conclusion, my delegation would like to affirm its commitment to diplomatic and peaceful solutions. But, in the case of the conflict in Bosnia and Herzegovina, the Bosnian Serbs did not indicate to us and to the international community any peaceful intentions except when it came to the lifting of the arms embargo.

Mr. Li Zhaoxing (China) (*interpretation from Chinese*): The prolonged conflict in Bosnia and Herzegovina has wreaked grievous havoc on the peace and stability of that region and has visited dire misery on its people — especially the people of Bosnia and Herzegovina.

Recently, the situation in Bosnia and Herzegovina has further deteriorated, and the military confrontation between the parties to the conflict is intensifying. The Chinese delegation is deeply concerned by this turn of events. We are afraid that this state of military confrontation will adversely affect the peace process in Bosnia and Herzegovina. We urge the parties to exercise restraint and to implement a cease-fire and stop all other hostilities forthwith to prevent a further deterioration of the situation.

The Chinese delegation has always held that a durable peace in Bosnia and Herzegovina can be established only through a search, by way of consultation and negotiation, for a settlement that is satisfactory and acceptable to all sides. Any attempt to resolve the question by military means will only further complicate affairs and make the situation worse, rather than bring a solution closer. This would set back the political efforts to secure a comprehensive settlement.

I wish to emphasize that the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina should be respected by the international community. We support all the international community's peace efforts to secure a just, equitable and durable solution to the conflict in Bosnia and Herzegovina. In this connection, all the efforts of the international community must be conducive to the promotion of a peaceful settlement and must avoid exacerbating the tension and conflict in the region.

The co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, the Special Representative of the Secretary-General, the five-country Contact Group and others have been undertaking a series of diplomatic efforts to ease the tense situation in Bosnia and Herzegovina and to find means of securing a political settlement. We hope that these efforts will be continued without let-up. We also hope that the parties to the conflict, in close cooperation with the United Nations Protection Force, will implement the agreements that have already been reached, thus creating mutual trust and giving new impetus to the search for a comprehensive political settlement of the question of Bosnia and Herzegovina.

Mr. Sardenberg (Brazil): The crisis in the Republic of Bosnia and Herzegovina continues to give rise to serious concern, as we are again faced with an increase in military activity and the lack of any headway on the diplomatic front. We are disturbed by the hostilities and disappointed at the persistent reluctance of the parties to resolve their differences through dialogue, on the basis of the principles of the Charter, the relevant Security Council resolutions and the proposed territorial settlement put forth by the Contact Group.

As a nation where religious and racial tolerance prevails, Brazil has consistently condemned the persistence of violence motivated by ethnic rivalry in the Balkans. Brazil supported all genuine efforts to alleviate the suffering of the civilian population and to curtail widespread violations of humanitarian law. And we stood behind initiatives directed at the establishment of peaceful and democratic coexistence between the various groups in Bosnia.

The proposed settlement put forth by the Contact Group, in cooperation with the International Conference on the Former Yugoslavia, raised hopes for a solution to the crisis in the Balkans that were perhaps over-optimistic. We were encouraged by the Bosnian Government's and the Bosnian Croat Parties' acceptance of the peace plan, as well as by the support given to it by the Federal Republic of Yugoslavia. The attitude of defiance on the part of the Bosnian Serbs, however, led the Council to pursue a policy of incentives and disincentives aimed at convincing the reluctant party to join in the construction of peace.

As we witness new and swift changes on the ground — changes that might signal a modification in the military balance of forces — we must ask ourselves

whether the incentive and disincentive policies currently promoted by Security Council resolutions are bringing the Bosnian Serbs' acceptance of the peace plan closer, or whether they are leaving room for the parties to escalate the conflict. Recent events in Bihac and Kupres could be interpreted as an indication that our current policy is producing the kind of change that would eventually convince all parties in the conflict to settle their differences through dialogue. However, such events could also indicate that we are entering a new and dangerous phase in the conflict.

Brazil supported the adoption of Security Council resolutions 942 (1994) and 943 (1994) on the understanding that they provided a response to a new set of circumstances, which included the important decision by the Belgrade authorities to close their borders with Bosnia to all but humanitarian traffic. Although there have been minor violations of this border closure, the International Conference on the Former Yugoslavia has just provided the Council with its second certification to the effect that the Federal Republic of Yugoslavia is observing its commitment to keep the border closed.

We have doubts, however, as to whether the proposed selective suspension of the arms embargo — as it was imposed by resolution 713 (1991) — is compatible with the approach proposed in resolutions 942 (1994) and 943 (1994). Our own approach is based on the power of persuasion by peaceful means. A modification of resolution 713 (1991) at this juncture could unleash uncontrollable forces, increase suffering and disseminate aggression.

There seem to be no final answers to the complex issues before us, but the turn of events in Bosnia is bringing new variables to the equation with which we have been working lately. In that sense, we welcome the initiative of the delegation of Pakistan to promote a debate on the issue in the Council as a constructive step in the overall efforts to build consensus and to devise fruitful and effective means of dealing with the serious challenges facing the international community in Bosnia.

Brazil remains committed to peace and continues to follow events closely. It is our sincere hope that those who have been more closely involved in the efforts to promote peace through a negotiated settlement will be able to hold back the tide of violence.

Mr. Yañez-Barnuevo (Spain) (*interpretation from Spanish*): Spain, as a State member of the European Union, subscribes fully to the statement that will be made at this

meeting by the representative of Germany, just as we supported Germany's statement on behalf of the European Union during the General Assembly's debate, which led to the adoption of General Assembly resolution 49/10 a few days ago.

Permit me now to highlight a few aspects to which my Government attaches particular importance.

We have always believed that international efforts to find a solution to the conflict in Bosnia and Herzegovina can achieve results only to the extent that we remain united, coordinate our actions, and are able to maintain that policy with all necessary resolve. We believe that despite some differences, which we should not conceal, the international community is essentially in agreement on ways of dealing with the conflict in Bosnia and Herzegovina so as to achieve a peaceful and lasting settlement.

The international community has repeatedly condemned the persistent and systematic campaign of "ethnic cleansing" and other violations of international humanitarian law. On numerous occasions it has reaffirmed the perpetrators' international responsibility and, to that end, promoted the establishment of an ad hoc international tribunal, which is now beginning to take action against alleged offenders.

Once again, the international community has reiterated the inadmissibility of the acquisition of territory by force and the principle of the sovereignty and territorial integrity of the States that emerged from the former Yugoslavia within their internationally recognized boundaries.

The international community has also defended the rights of refugees and of persons displaced from areas of conflict, especially as a result of "ethnic cleansing" campaigns, to return voluntarily to their homes with dignity and in safety. It has also endorsed the work of the International Conference on the Former Yugoslavia and, on the ground, the work of the Special Representative of the Secretary-General.

The international community has consistently backed the efforts of the United Nations Protection Force (UNPROFOR) and of international humanitarian agencies. It has called on the parties to allow UNPROFOR freedom of movement, and, in particular, to allow the International Committee of the Red Cross free access to all detention camps; it has also demanded

an end to all interference with the distribution of humanitarian aid.

In like manner, the international community has consistently supported the peacemaking efforts of the International Conference on the Former Yugoslavia and, more recently, the work of the Contact Group, which presupposes coordination of the efforts of the European Union, the United States and the Russian Federation.

Lastly, we unanimously condemn the Bosnian Serb side, which is responsible for the current situation, given its rejection of the peace proposals and its inadmissible acts on the ground. We all agree that, as long as the Bosnian Serb side fails to accept the Contact Group's proposal for territorial settlement, it will be necessary to increase pressure on the Bosnian Serbs and to intensify their international isolation.

The Bosnian Serbs must clearly perceive the international community's rejection of their attitude, as well as the need to put an end to their recalcitrant opposition to peace initiatives. That is the fundamental result that we should like to see emerge from this debate.

Actually, our differences arise over the most appropriate way of implementing this policy, given the fatigue and the sense of frustration that we all share at seeing the beginning of the third winter of conflict, with terrible consequences for the civilian population. Spain is concerned at the recent escalation which is taking place in Bosnia and Herzegovina, since we believe that it could have negative implications at different levels. We are told that the Government of Bosnia cannot indefinitely be forced to accept a cease-fire in the absence of a political solution accepted by all parties. We do not wish to perpetuate the current territorial status quo either, but we have always felt that there is no viable or acceptable military solution to the Bosnian conflict and that the continuation of the fighting, aside from its tragic implications for the civilian population, makes it exceedingly difficult to pursue the current efforts at negotiation.

Some members of the international community advocate a partial lifting of the arms embargo — which at present is enforced, owing to a decision of the Security Council, with respect to all parties in the former Yugoslavia — to the benefit of the Government of Bosnia and Herzegovina. Spain has always been prepared to consider, at an appropriate time, recourse to new and more forceful measures — without prejudging any one of

them — including the possibility of proceeding to a lifting of the arms embargo.

The question we are asking today is whether the time has come to take that momentous step. We must bear in mind that the application of such a measure would lead to the withdrawal of UNPROFOR and thus to termination of, or very serious reduction in, the crucial assistance work carried out by the United Nations High Commissioner for Refugees and other humanitarian agencies; to the disappearance of protection for the civilian population in the safe areas; and to the abandonment of the exclusionary areas, which could not be maintained simply by a recourse to the airpower of the North Atlantic Treaty Organization.

All this would lead to an escalation and possible widening of the conflict, with unforeseeable consequences for the region. Spain therefore considers that present circumstances do not justify the adoption of a measure of such magnitude, which we would contemplate only as a last resort — as spelled out in the communication issued by the Contact Group at its meeting on 30 June — in case the negotiating process were to fail completely.

This does not mean that we should remain inactive; on the contrary. But the most appropriate way in which to proceed is, in our view, to intensify the policy of incentives and disincentives implemented by the Contact Group. As is evident from the new course of action on the part of the Belgrade Government, that policy has recently begun to bear fruit.

This approach is reflected in the recent initiatives of the European Union aimed at continuing and intensifying the isolation of the Bosnian Serb side, opening up new ways and means for settling the conflict in Croatia and promoting a normalization of relations between the successor States of the former Yugoslavia by means of mutual diplomatic recognition.

In sum, we cannot accept that the rejection by the Bosnian Serb side would impede a solution to the conflict in Bosnia. This is the time not to dwell on our differences, however, but to maintain and strengthen the coherence of the policy that the international community has been maintaining in the framework of the International Conference on the Former Yugoslavia, the Contact Group and the Security Council. In our view, it is the only way in which to proceed so that with resolve and tenacity we may find a lasting and viable solution to the conflict.

The President: The next speaker is the representative of Senegal, whom I invite to take a place at the Council table and to make his statement.

Mr. Cisse (Senegal) (*interpretation from French*): Allow me first, Madam President, to congratulate you on your assumption of the stewardship of the Security Council, and to thank you on behalf of my delegation for the efforts you have been making in conducting the business of the Council during the month of November.

I should also like to congratulate your predecessor, Ambassador Sir David Hannay, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, on the great skill with which he conducted the business of the Council last month.

The draft resolution before the Security Council, submitted on the initiative of your country, Madam President, is a veritable turning-point in the United Nations handling of the crisis in Bosnia and Herzegovina. It is a break with an approach which, since the outbreak of hostilities, stressed the search for and maintenance of a strange balance whereby international legitimacy and legality were on the side of the Government of the Republic of Bosnia and Herzegovina, but that military superiority had to remain on the sides of the Serbs of Pale.

Therefore, convinced of the impunity of their acts and of the possibility of a military solution, the Pale Serb party has rejected all the peace proposals worked out by the international community, the latest one being the plan submitted on 6 July by the Western Contact Group. This attitude of suspicion has led to an escalation of tension. It is particularly unacceptable, since it has been accompanied by a unilateral violation of the cease-fire agreement reached on 8 June 1994 and by an intensification, notwithstanding the relevant Security Council resolutions, of the campaign of terror against the besieged civilian populations in the safe areas.

Last September the Security Council accordingly adopted resolution 942 (1994), containing a series of measures which, if implemented in a rigorous and verifiable manner, could help to increase the international isolation of the Serbs of Pale.

Unfortunately, the tragic history of the conflict in Bosnia and Herzegovina has shown that sanctions, however effective, will not alone be enough to reduce the hostile inclinations of the aggressor as long as the only language

it seems to understand — the language of force — is not countered with determination.

That is why my delegation believes that the adoption by the Security Council of the draft resolution before it could make a decisive contribution, if not to the speedy and successful conclusion of the peace process, then at least to the restoration of a balance of power which could deter the Pale Serbs in their dreams of total military conquest.

When it considered the item last Thursday, 3 November, the General Assembly unequivocally stressed in resolution A/49/10 that a continuation of aggression against the Republic of Bosnia and Herzegovina constitutes a threat to international peace and security and impedes the peace process.

The Assembly once again urged the Security Council, in fulfilling its responsibility under Article 24 of the Charter, to take all appropriate steps to uphold and fully restore the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina in cooperation with States Members of the United Nations and the Government of the Republic of Bosnia and Herzegovina.

The measures proposed in the draft resolution before the Council come in response to a renewed appeal by the General Assembly, most of whose members are of the view that the non-application to the Bosniac and Croat parties of Security Council resolution 713 (1991) constitutes not a potential threat of wider conflict, but an easing of a burden which, since the beginning of the crisis, has seriously hampered the ability of a Member of the United Nations to exercise its inherent right to individual and collective self-defence under Article 51 of the Charter. The Council's adoption of this draft resolution would be particularly timely since it could help to protect civilian populations that are victims of ethnic cleansing.

Aware of the need to confront human rights abuses and the continuing aggression of the Serbs, as well as the need to secure compliance with Security Council decisions, several troop contributors to the United Nations Protection Force (UNPROFOR) are in favour of strengthening the mandate of that force to make it a peacemaking operation.

At a time when it is obviously appropriate to give peace a chance, some are still talking of the risk of a

wider conflict. In so doing, they are maintaining the status quo, perpetuating aggression and preserving the impunity of the Pale Serbs.

In conclusion, my delegation fully supports the draft resolution before the Council, and appeals to Council members to vote in favour of it, to give international legitimacy and legality the means to prevail over force and aggression in the Republic of Bosnia and Herzegovina.

The President: I thank the representative of Senegal for his kind words addressed to me.

The next speaker is the representative of Malaysia, whom I invite to take a place at the Council table and to make his statement.

Mr. Razali (Malaysia): Malaysia wishes to welcome the initiative taken by the United States in the Council to lift the arms embargo on Bosnia and Herzegovina on the basis of the proposal made by President Alija Izetbegovic to the General Assembly on 27 September 1994. We totally support this effort and we come here before the Council to appeal to all its members to endorse the draft resolution.

The recent adoption of General Assembly resolution 49/10 underlines the collective stand of the general membership that the Bosnians must be allowed to have recourse to arms to defend themselves. Council members have to give serious weight to the decision taken by the Assembly. The Council cannot remain oblivious, including the implication of continuing the arms embargo in Bosnia and Herzegovina, denying that country its inherent right to self-defence, one that is enjoyed universally by all other Members of the United Nations.

No one can dispute that the arms embargo in reality has affected only the Bosnians, the victims of the war. That act of the Council, committed before Bosnia and Herzegovina was even a Member of the United Nations, has terminally undermined the ability of the Government of Bosnia and Herzegovina to protect its own people against aggression and ethnic cleansing.

In essence, at stake in our debate today is the right to life and survival when we debate the right of self-defence for Bosnia and Herzegovina. The objective of Article 51 of the Charter — providing protection and the right of all to collective and individual self-defence — has been thwarted in the case of Bosnia and Herzegovina. The cost of that has been extremely high for that country. It has lost over 200,000 lives; 50,000 Bosnian women have been raped; the

country is in ruins; and the aspirations and values of a multi-religious, multi-cultural society have been irreparably damaged.

The application of the arms embargo on the Government of the Republic of Bosnia and Herzegovina remains fundamentally flawed, as resolution 713 (1991) was adopted before the Republic joined as the 170th Member of the United Nations on 22 May 1992. In the view of my delegation, that arms embargo is invalid and illegal.

While the Council decision has prevented the Government of Bosnia and Herzegovina from protecting its own people, at the same time the Council has not fully discharged its responsibility under Article 24 of the Charter to take prompt and effective action to restore international peace and stability. The Council, as we are aware, has not fully enforced its own resolutions.

The Bosnian Serbs have rejected the five-nation Contact Group's peace plan and my delegation will now insist that the Contact Group, through the Security Council, proceed with the measures to which it has committed itself, including and in particular the lifting of the arms embargo. The European Union, in its statement to the General Assembly last week, stated that the arms embargo should be lifted only as a last resort. Have we not yet reached the point of last resort, given the intransigence of the Bosnian Serbs and the horrible sufferings inflicted on the Bosnians?

The Bosnian Serbs' rejection of the peace plan and the triggering of certain measures as a consequence of that rejection cannot allow either the United Nations, the United Nations Protection Force (UNPROFOR), the North Atlantic Treaty Organization (NATO) or the Contact Group to disassociate themselves from the political, humanitarian or military efforts to find peace. The Contact Group members, as well as the United Nations and NATO, should intensify their efforts to coordinate with the Government of Bosnia and Herzegovina to have that peace plan accepted. The Government of Bosnia and Herzegovina should not be faced with a new ultimatum of choosing between a lifting of the arms embargo and thereby gaining the means to defend all its population and country, or alternatively the continuing commitment of the Contact Group, through UNPROFOR or NATO, to protect the "safe areas".

In this context, it is essential that the Contact Group execute its commitment to lifting the arms embargo and

take other constructive steps, such as ensuring that the mission of UNPROFOR should reflect both a heightened concern for security and a necessary resolve for peacemaking. Furthermore, NATO, through the strategy of exclusion zones, could play an instrumental role in deterring attacks upon UNPROFOR or the existing or newly-defined "safe areas".

While it has been stated that some nations that contribute to UNPROFOR would withdraw in the event of a lifting of the arms embargo, other troop-contributing countries, including Malaysia, have indicated their willingness to stay and provide additional troops in such circumstances. Indeed, we are of the view that UNPROFOR's mandate needs to be strengthened in the direction of peacemaking in order to confront the ongoing Serbian aggression and systematic violations of humanitarian law and various United Nations resolutions and to give peace a real chance to succeed.

There is an argument being promoted that a lifting of the arms embargo on the Bosnians will lead to a greater escalation of violence, affect humanitarian efforts and threaten the concept of "safe areas". My delegation appeals to the Council members to examine this argument clearly. As we have asked before in this Council, what further intensifications of fighting can be envisaged when there have already been thousands killed, the Bosnians are huddled pitifully in places of refuge and their territory has shrunk into divided pockets of survival?

Bosnia and Herzegovina should not be unjustly deprived of its inherent right to self-defence as enshrined in Article 51. The General Assembly has sent a categorical message through resolution 49/10 that the unjustified arms embargo on Bosnia and Herzegovina must be lifted. The time has come for the Security Council, whose powers and special responsibility are derived from the general membership, to take similar action in fulfilling its Charter responsibility.

The President: The next speaker is the representative of Turkey. I invite him to take a place at the Council table and to make his statement.

Mr. Batu (Turkey): The Security Council debate on the grave situation in Bosnia and Herzegovina is taking place once again at a critical juncture. As I stated before the General Assembly last week, all the commitments and promises made to the Government and people of Bosnia and Herzegovina remain unfulfilled. The defiance of international law by the aggressors remains unchallenged.

Threats against the Serbs have turned into failed bluffs. Numerous Security Council resolutions have yet to be implemented.

I should like to underline our commitment to the latest peace plan proposed by the five-nation Contact Group last July. We deeply regret that it has yet to be implemented. In the spirit of peace, the Government of Bosnia made important concessions and sacrifices. However, its constructive approach and goodwill remain unanswered. The peace plan it has accepted with great sacrifice stated clearly that the side which rejected the plan would be punished, while the side which accepted the plan would be rewarded and protected. Just the opposite is happening. At a time when the campaign of "ethnic cleansing" has been accelerated and the strangulation of Sarajevo and other "safe areas" has been intensified, we have witnessed the adoption of Security Council resolution 943 (1994), which eases the sanctions on Serbia and Montenegro. The Bosnian people are yet again deeply disappointed and feel that they have been betrayed by the international community.

Aggression cannot and should not be put in the same basket with the just struggle and resistance against occupying forces. Remaining neutral between aggression and self-defence undermines legality and the sense of justice. The arms embargo imposed by Security Council resolution 713 (1991) is in clear contradiction of Article 51 of the United Nations Charter. I must underline once again that we would like to urge the Council to clarify the legal opinion that its resolution 713 (1991) does not and should not apply to the Republic of Bosnia and Herzegovina. While the Council reaffirms in all relevant resolutions the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina and rejects the acquisition of territory through the use of force and the practice of "ethnic cleansing", it should no longer remain indifferent to the right to self-defence of a country whose very existence is at stake.

In this respect, we welcome General Assembly resolution 49/10, in which the Assembly calls on the Council to exempt Bosnia and Herzegovina from the arms embargo and urges Member States to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right to self-defence. It is in line with this reasoning that we strongly support the draft resolution submitted to the Security Council by the United States. This draft resolution reflects the constructive stand of the Government of Bosnia and states that its implementation should be deferred for six months.

The draft is also in line with the commitment of the five-nation Contact Group. It will be recalled that the Contact Group underlined that, in the event of the continued rejection of the peace plan by the Bosnian Serb party, a decision in the Security Council to lift the arms embargo could become unavoidable. We all know that the Serbian rejection of the peace plan is continuing. We therefore call upon the members of the five-nation Contact Group to stand by their commitments.

Regrettably, the wrong messages are still being sent to the Serbs. In this context, the statement of the European Union to the General Assembly on agenda item 39 has been of grave concern to us. Also, while we have been waiting for an adequate and determined response to the Serbian rejection of the peace plan, we have observed yet again conflicting signals from some members of the five-nation Contact Group that indicate that new demands coming from the Serbian side would be favourably considered. They are claiming that all the peoples in Bosnia have equal rights and that, on this basis, the right of the so-called, self-declared "Srpska Republic" to establish a confederation with one of its neighbours should be recognized. This actually means that the Bosnian Serbs should have the right to unite with Serbia. In this respect, there are also attempts to change the territorial map, which constitutes the core element of the peace plan, in favour of the Serbs. These are attempts to initiate further exchanges of territory and to give the enclaves in Eastern Bosnia to the Serbs. The international community cannot and should not accept any attempt to change the peace plan that could lead to the dismemberment of Bosnia.

As a harsh winter is expected to set in, the protection of the defenceless people in the besieged towns and unsafe "safe areas" should be priority number one. Today there was yet another tragedy in Sarajevo: seven innocent women and children fell victim to a mortar attack. I must emphasize that Security Council resolutions 824 (1993) and 836 (1993) provide a clear framework for the defence of all "safe areas". The United Nations Protection Force (UNPROFOR) is under the obligation to enforce its mandate to this end.

The UNPROFOR mandate needs to be strengthened so as to enable it to deal effectively with the present situation. The UNPROFOR forces, representing the determination of all of us, must not be made subject to controversy and, if necessary, must be replaced in a dignified manner by troops to be provided by other countries.

The real intention of Serbia and Montenegro with respect to the peace plan must be tested. Pressure must be exerted on this country to make it recognize Bosnia and Herzegovina, Croatia and Macedonia within their internationally recognized borders.

I must also reiterate our commitment to and support for the Washington Agreements. General Assembly resolution 49/10 describes these Agreements as a model for an overall solution. The Federation established by these Agreements is open to participation by the Serbs. Indeed, these Agreements have set the principles for a just and viable peace in Bosnia. They have defined the framework for preserving the territorial integrity and unity of Bosnia and Herzegovina as a multicultural, multi-religious and multi-ethnic State. The aggressors will not be allowed to undermine this goal.

We should stop supplying the Bosnians with unenforced resolutions and unfulfilled promises. Instead, we should give them effective protection and the means to defend themselves. The arms embargo, which is inherently illegal and invalid with respect to Bosnia and Herzegovina, should be removed, in order to increase the chances of a real peace process, without any further delay.

The President: The next speaker is the representative of Germany. I invite him to take a place at the Council table and to make his statement.

Mr. Graf zu Rantzau (Germany): I have the honour of speaking on behalf to the European Union.

The current Bosnian Serb policy of rejection and obstruction — and the understandable frustration it causes — must not be allowed to cause the situation to deteriorate further. It is not part of the European Union's plan to see the unsatisfactory status quo maintained; that is why we have already suggested an alternative approach to overcoming Bosnian Serb obstinacy, which continues to be the main obstacle to a peaceful settlement. But the inescapable consequences of the resumption of fighting would be increased suffering to civilians in Bosnia, further disruption of international humanitarian assistance, the undermining of international efforts towards reconstruction throughout the country, and an increased threat to the safety of personnel of the United Nations Protection Force (UNPROFOR) and the Office of the United Nations High Commissioner for Refugees (UNHCR) and others involved in the delivery of humanitarian assistance. Moreover, there is a risk that

the day when a negotiated settlement will be achieved will be further postponed. We call on all the parties to exercise the utmost restraint, to cooperate fully with the Special Representative of the Secretary-General and with UNPROFOR, and to cease hostilities.

What is urgent now are further joint and even intensified political efforts to achieve the strongest possible pressure towards a political settlement. If the Bosnian Serbs continue to be recalcitrant, they will only achieve their total isolation and bring themselves closer to the abyss. From our side, we must focus on alternative ways and means to foster the cause of peace in the former Yugoslavia. The European Union, therefore, strongly supports the introduction of additional elements into the peace process.

In our statement before the General Assembly last Thursday on the situation in Bosnia and Herzegovina, we proposed a wider approach. Since the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) has a major responsibility for the present situation in the former Yugoslavia, it must contribute constructively to further progress on the way to a political solution. If Belgrade were to undertake significant further steps, proving by deeds that it has really changed its policy in the former Yugoslavia, this would significantly increase the chances for a peaceful settlement.

Let me state again that in our view such a course of peace would require that the FRY authorities, in the absence of a Bosnian Serb acceptance of the peace plan, take the following steps: recognition of Bosnia and Croatia within their internationally recognized borders; continued endorsement of the Contact Group plan for Bosnia, which would ensure, were the Bosnian Serbs to accept the plan, balanced treatment of the Bosniac-Croat and Bosnian Serb entities, including the establishment of parallel special relations with neighbouring countries, provided this is not inconsistent with the integrity of Bosnia and Herzegovina; endorsement of the plan by the International Conference on the Former Yugoslavia, once finalized, as the basis of the solution for the areas of Croatia under the protection of the United Nations; maintenance of an effective and verified regime whereby exports from the FRY to the Bosnian Serbs would be restricted to humanitarian assistance until the Contact Group plan had been accepted by Pale; and verified maintenance of the FRY policy that exports to the Krajina Serbs are equally restricted until the International Conference's plan for the areas of Croatia under the protection of the United Nations, once finalized, is accepted by Knin. Only those bold steps will make possible

an equally bold response by the international community to Belgrade.

For the peace process to achieve the desired tangible results, we need some time, even if we would all prefer immediate results. It would be a tragic mistake to undermine the intensive peace efforts currently under way by decisions that could have dangerous, incalculable consequences. We must not allow a situation to arise in which our common desire to overcome the war and the tensions in Bosnia is narrowed down so as to be focused exclusively on the question of lifting the arms embargo.

A decision to lift the arms embargo must remain a last resort. We continue to be convinced that a political settlement should be pursued until all avenues are exhausted. We firmly believe that this stage has not been reached.

For his part, the Secretary-General, in his report to the Security Council dated 17 September 1994, has expressed the view that the lifting of the arms embargo would exacerbate the conflict. Lifting the arms embargo, as some have proposed, would be fundamentally incompatible with the neutrality and impartiality of the United Nations Protection Force (UNPROFOR). As a result, the Secretary-General himself has stated that it would require the withdrawal of UNPROFOR from Bosnia and Herzegovina. We believe that this continues to be valid.

What is needed in the coming months, on the basis of the results already achieved, is a decisive political effort to create necessary conditions for a peaceful solution to the conflict as foreseen in the Contact Group plan. The European Union remains committed to maintaining the momentum of this process.

In our view, we are now at a decisive point in our endeavour to resolve the conflict in Bosnia and Herzegovina. Let us stand together in full support of the intensive peace effort currently under way.

The President: The next speaker is the representative of Brunei Darussalam. I invite him to take a place at the Council table and to make his statement.

Mr. Abdul Momin (Brunei Darussalam): Brunei Darussalam sees the issue under debate today as a straightforward one: Do the Bosnians have the right to defend themselves and their sovereign territory, or not?

My delegation is very clear on this matter. Brunei Darussalam has often reiterated its view that the borders of Bosnia and Herzegovina are inviolable and recognized internationally and that they were reaffirmed by the international community when Bosnia and Herzegovina was accepted as a Member of the United Nations in 1992. Any aggression against that nation's independence, sovereignty and territorial integrity is therefore a violation not only of international norms but of the Charter and principles of this body.

Serb aggression against Bosnia and Herzegovina is now well into its third year. Despite repeated warnings from the international community and despite the military presence of the North Atlantic Treaty Organization (NATO), many areas of the country are still threatened by Serb weaponry, and the capital remains under siege.

It is a fact that so far the international community has not been able to end the suffering of the Bosnians. It is also a fact that the Contact Group has not persuaded the Serbs to agree to peace proposals. We see this as evidence of the Serbs' intention to carry on with their aggression and the violation of the sovereignty of Bosnia and Herzegovina.

I wish to state here our view that Security Council resolution 713 (1991) should not be applied to Bosnia and Herzegovina. The arms embargo was imposed against the former Yugoslavia. My delegation therefore joins other delegations in urging the international community, particularly all concerned and interested parties, to act decisively and provide the Republic of Bosnia and Herzegovina with the protection it needs. We must allow the Bosnians the right to individual and collective self-defence provided for in Article 51 of the Charter. It is time for the Security Council to lift the embargo against Bosnia and Herzegovina.

The six-month period offered by Bosnia and Herzegovina in which to execute the lifting of the embargo if the Serbs do not accept the peace plan is a message to the Serbian leaders of the willingness of Bosnia and Herzegovina to compromise. Brunei Darussalam believes that this will provide an opportunity for the Serbs to consider responding positively to this compromise in order to find an acceptable solution to this conflict.

My delegation commends the efforts of the men and women serving in the United Nations Protection Force (UNPROFOR). As winter approaches, the people of Bosnia depend greatly on their efforts. My delegation hopes that

the United Nations will continue to help alleviate the suffering.

In conclusion, I wish to reiterate our view that the independence of Bosnia and Herzegovina must be respected and guaranteed within its internationally recognized borders. Its people have become victims of an aggression that continues to defy internationally accepted principles. We must therefore allow the Bosnians to defend these borders through all necessary means, including military means, since the peace initiatives so far have been found unacceptable by the aggressor.

The President: The next speaker is the representative of Afghanistan. I invite him to take a place at the Council table and to make his statement.

Mr. Farhadi (Afghanistan) (interpretation from French): I should like first to congratulate you, Madam President, on the very effective and dignified manner in which you are presiding over the Council's deliberations. I also wish to express great appreciation for the distinction with which the Permanent Representative of the United Kingdom led the Council's work last month.

We welcome the initiative taken and the worthwhile efforts made by the United States with a view to lifting the embargo that is tying the hands of the Republic of Bosnia and Herzegovina. The Council is not meeting here merely to respond to the appeal of the Organization of the Islamic Conference. The Council is meeting also for a practical purpose: to reiterate and express approval of the General Assembly resolution adopted only five days ago, on 3 November 1994, which encourages the Security Council to give all due consideration to exempting the Government of the Republic and the Federation of Bosnia and Herzegovina from the embargo on deliveries of weapons and military equipment originally imposed by the Council in resolution 713 (1991) of 25 September 1991, as further outlined in the eighth preambular paragraph of the aforementioned General Assembly resolution.

For two years now, my delegation's position, expressed both in the Security Council and in the General Assembly, has been essentially based on legality.

My delegation is certain that the Security Council never intended to extend the validity of resolution 713 (1991) to cover Bosnia and Herzegovina. No resolution of the Security Council, or of any other legal authority, could take the place of, or in any manner

circumscribe, the rights of Bosnia and Herzegovina under the Charter, especially the provisions relating to individual or collective self-defence set forth in Article 51 of the Charter of the United Nations.

Therefore, no embargo is valid under international law if there is evidence that its continuation would lead to genocide. Even if no decision is taken by the Security Council to lift the embargo, which runs counter to the right of the Republic of Bosnia and Herzegovina to self-defence, there can be no Security Council resolution that validly applies to Bosnia and Herzegovina when it calls for an arms embargo against that Republic, and every Member State, including those on the Security Council, is legally entitled to proceed individually or collectively to deliver arms to Bosnia and Herzegovina.

Some members of the Council have spoken against the lifting of the embargo — which is unfair and illegal — and tried to convince us that to do so would have a negative impact on the peace process.

To believe that only the political isolation of the Bosnian Serbs will suffice to have a positive impact on the peace process is without doubt overly optimistic, since experience proves that the results of the illegal embargo imposed on Bosnia and Herzegovina have been disastrous. It has emboldened the Bosnian Serbs to flout both the Security Council and the Contact Group. Thus, on 23 September, the Security Council stated that it was satisfied with the Contact Group's territorial settlement plan — which has now been accepted fully by all the parties, except by the Bosnian Serbs — and strongly condemned the Bosnian Serb party for its refusal to accept the plan and demanded its acceptance unconditionally and in its entirety.

But it is that embargo which has obstructed any progress in the peace process. Obviously, the continuation of the embargo encourages the side that believes in aggression and blackmail and continues to tie the hands of those who have been the victims of aggression and who, with but very few exceptions, have not resorted to committing war crimes. There is no comparison between the aggressors and the victims of aggression, particularly when 70 per cent of the territory of Bosnia and Herzegovina is under the occupation of the aggressors. Continuing the embargo will not lead to progress towards peace and justice; at best, its effects could be a wretched status quo. And perpetuating the status quo will inevitably perpetuate injustice and support for the aggressor, which as I have just said, occupies a large part of Bosnian territory.

Any lifting of the embargo would not mean over-arming one side as opposed to the other. It would mean establishing a balance between the levels of weaponry on both sides, and that balance would undoubtedly strengthen the peace process. It would almost certainly ensure that the Bosnian Serbs would decide to reopen the door they closed behind them and come back to the negotiating table.

In conclusion, my delegation has carefully assessed the present situation in the Security Council. We are not very optimistic about the possibility of success, for example, with regard to the number of votes the Council needs to free itself from a position which lacks a credible legal basis, a position which merely strengthens the hand of the aggressor. I recall what the Permanent Representative of Germany has just said, in his statement on behalf of the European Union, that the lifting of the embargo would be a last resort, when all other channels had been exhausted.

Let it be recognized that the Council will meet once again to consider the same question if the Bosnian Serbs should continue to flout the Security Council and try to dismember the Republic of Bosnia and Herzegovina.

The President: I thank the representative of Afghanistan for the kind words he addressed to me.

The next speaker on my list is the representative of Slovenia. I invite him to take a seat at the Council table to make his statement.

Mr. Türk (Slovenia): Madam President, let me at the outset join preceding speakers who have congratulated you on your assumption of the presidency of the Security Council this month. In many respects this remains a difficult period, but we are convinced that your wisdom, commitment and diplomatic skills guarantee success in the Council's dealings with the situations at hand. May I also take this opportunity to express our appreciation for the exemplary presidency of Sir David Hannay, Ambassador of the United Kingdom, who presided over the work of the Council in the month of October.

Only a few days ago the General Assembly adopted a resolution on the situation in Bosnia and Herzegovina. The resolution contains an analysis of the situation and a series of recommendations. Slovenia supported that resolution as an important effort intended to contribute to the search for peace. Moreover, Slovenia has been, since the earliest stages of the war, vitally interested in the

restoration of peace in that part of Europe and has since then made several specific proposals to this end. Let me only mention the Slovenian proposals of 1992 and 1993 for the establishment of safe areas in Bosnia and Herzegovina and the Four Points Appeal made by the Government of Slovenia in February this year, prior to the effective international effort to prevent the strangulation of Sarajevo.

The situation discussed today has to be taken very seriously, in particular since the international community and its institutions, including the United Nations, have so far been unable to stop the war and open up the prospect of peace.

One of the reasons for this results from the lack of coherence in characterizing the conflict for what it actually is. Only a realistic assessment of the situation can offer the necessary ground to define adequate remedies. The war in Bosnia and Herzegovina is neither a religious nor an ethnic conflict, nor is it a civil war. The war in Bosnia and Herzegovina began as a war of aggression against a recognized and sovereign State and has since remained a war of territorial expansion.

That this is the nature of the war is clearly manifested in one of its most dreadful characteristics: the practice of "ethnic cleansing", which has reached proportions of genocide against the Muslims of Bosnia and Herzegovina. The practice of "ethnic cleansing" was devised as a tool for territorial conquest, aimed at eventual creation of "greater Serbia". "Ethnic cleansing" is not an accidental consequence, but, rather, a premeditated instrument, of war.

While it is true that the war has become increasingly complex and that atrocities have been committed by all sides in the conflict, its original character as a war of aggression against the Republic of Bosnia and Herzegovina remains essential.

It has become a commonplace that diplomacy without determination or readiness to use force is fruitless when confronted with forces of aggression. The international diplomatic action concerning Bosnia and Herzegovina has, unfortunately, too often lacked such determination. As a result, the peace efforts have been unsuccessful and, on some occasions, even ridiculed. Thus, after more than two years of unsuccessful engagement, the image of the United Nations is still negatively affected and its credibility is eroded, notwithstanding the valiant humanitarian efforts.

It is true that without the involvement of the United Nations Protection Force (UNPROFOR) forces, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and numerous other humanitarian organizations the tragedy in Bosnia would have been even worse. The ongoing efforts to guarantee delivery of humanitarian aid deserve our deep appreciation and active support. However, humanitarian assistance cannot be a substitute for effective policies. Moreover, it has become clear that humanitarian assistance alone cannot guarantee adequate respect for the basic norms of international humanitarian law.

Let me now turn to the question of essential conditions for cessation of hostilities and for the establishment of peace in Bosnia and Herzegovina.

The Washington Agreement, concluded last March, and the resulting cooperation between the Bosnian Muslims and Croats restored hope that appropriate international assistance can meaningfully influence the political aspects of the armed conflict. Such political influence is essential in the efforts to change the military reality on the ground and to open a path towards solutions. We therefore have some reason to hope that efforts of the Contact Group will contribute to the ending of the armed conflict and to establishing conditions for a political solution with the fundamental elements of justice.

The essential elements of a just and durable solution are: the preservation of the sovereignty and territorial integrity of Bosnia and Herzegovina; the establishment of a safe environment for the voluntary return of refugees; and the restoration of land and property seized by "ethnic cleansing" and by the use of force.

It should be stressed again that without a thorough reversal of the consequences of "ethnic cleansing" and the use of force it is not likely that any peace arrangement will endure.

Furthermore, failure to achieve such a reversal could represent a clear message to other potential aggressors that their acts of aggression might not only go unpunished but could also be rewarded.

The peace proposal introduced by the Contact Group last August has the potential to become the point of reference for a future peace settlement. However, the potential is yet to be translated into an effective process.

There is still no sign from the Bosnian Serbs that they are ready to submit to the concerted pressure of the entire international community. This calls for further measures by the United Nations, which are to be taken in accordance with the provisions of the Charter. This is why a variety of measures, including those related to the arms embargo, has to be contemplated.

It is important to keep in mind that the embargo was imposed on the former Yugoslavia — back in 1991, when that former State still existed. The embargo was then extended to the successor States of the former Yugoslavia in a specific situation in 1992, a situation characterized by a mixture of fear and bias against the States that emerged from the ruins of Yugoslavia, which was on its way towards complete dissolution. Since that time almost everything has changed for each of the successor States of the former Yugoslavia, which has, in the meantime, ceased to exist. A debate which would fully take into account the new realities and different situations of each of the successor States is long overdue.

There are many reasons for keeping the arms embargo as a part of sanctions — and I emphasize “as a part of sanctions” — imposed by Security Council resolution 757 (1992) and subsequent relevant resolutions, until the conditions for lifting those sanctions are fulfilled.

On the other hand, there is a need to recognize the inapplicability of an arms embargo to those engaged in legitimate self-defence — that is, in the exercise of the inherent right of all Members of the United Nations. It would be very unfortunate indeed if the functioning of the United Nations system of collective security were permitted to develop on a selective basis, in a manner harmful to the inherent right of all United Nations Members to self-defence. The entire concept of collective security is based upon complementarity of self-defence and international action so as to provide effective protection of States' existence and their territorial integrity and political independence.

Finally, in the case of Slovenia, there is no justification for continuing the arms embargo. I have to make this point particularly clearly, as one of the statements made earlier this evening indicates that some of the pertinent facts are not always fully appreciated. My country is not, and has never been, involved in an armed conflict that prompted the imposition of that arms embargo years ago. I repeat that it was imposed against the former Yugoslavia, a State which has since ceased to exist.

These are the reasons why we believe that it would be not only appropriate, but, indeed, necessary for the Security Council to declare that paragraph 6 of resolution 713 (1991) and the relevant paragraphs of resolutions 724 (1991), 727 (1992) and 762 (1992) no longer apply.

We understand that the present meeting of the Security Council has been convened to enable a comprehensive exchange of views by Members of the Organization on the course of action to be followed with respect to the present situation in Bosnia and Herzegovina. We have offered our views in the hope that they will contribute to this genuinely collective endeavour.

The President: I thank the representative of Slovenia for the kind words he addressed to me.

I should like to inform the Council that I have received a letter from the representative of Canada in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Karsgaard (Canada) took the place reserved for him at the side of the Council Chamber.

The President: The next speaker is the representative of the Republic of Korea. I invite him to take a place at the Council table and to make his statement.

Mr. Chong-Ha Yoo (Republic of Korea): I thank you, Madam President, for allowing me to participate in the Council's meeting today. First, I wish to congratulate you on your assumption of the presidency of the Council for the month of November, which places the Council in most reliable and skilful hands. Let me also pay my tribute to your predecessor, Sir David Hannay of the United Kingdom, for his successful completion of his term as President for the month of October.

The view of my Government on the situation in Bosnia and Herzegovina was, I believe, made sufficiently

clear in my statement before the General Assembly last Thursday, 3 November. However, considering the seriousness and the paramount importance of the issue in maintaining world peace and security, I have thought it worthwhile to briefly elaborate on our position on those aspects which are directly relevant to the purposes of this Council.

Of immediate concern to us is the question of exempting Bosnia and Herzegovina from the arms embargo. Being from a country which had a bitter experience of a fratricidal war and of national division, we know well how bloodshed hampers later efforts for reconciliation. In Bosnia, too much blood has been shed already, and the basic human rights of too many people have been trampled upon. Any further tragedy could render the efforts of the international community to bring about a negotiated settlement in that region simply useless, and make peace in Bosnia a virtual impossibility.

My delegation fully understands and shares the apprehensions of the international community, and especially the troop-contributing countries, that lifting the arms embargo will aggravate the situation and also seriously affect the safety of peace-keepers in the region. These were the very reasons why my Government abstained in the voting on last year's General Assembly resolution 48/88.

This year, however, we changed to an affirmative vote in the light of a few new elements. When we abstained last year on the resolution for lifting the arms embargo, we did so only in the hope that the efforts of the international community would improve the situation in Bosnia. This hope, entertained by all of us, has proved to be false. Despite the numerous resolutions and statements of this Council, the suffering of the Bosnian people has not ceased, nor has peace returned to Bosnia and Herzegovina. It is the view of the Republic of Korea that the international community, having thus far failed to secure peace in the region, has a moral and political obligation to respond to the legitimate concern of the Bosnian people for their very existence.

My Government also notes that the Republic of Bosnia and Herzegovina offered to limit the demand for lifting the arms embargo to the adoption of a formal resolution, with effective implementation of the lifting of the embargo deferred for up to six months. The Government of the Republic of Korea commends this offer as a practical and judicious step. We believe that the flexibility shown by the Bosnian Government should be

acknowledged by the international community as a manifestation of its peaceful intentions, and be rewarded as such.

Another important element relating to the situation in Bosnia, which was not present last year and may contribute to an early settlement of this issue, is the decision last August of the Federal Republic of Yugoslavia to break off its ties with the Bosnian Serbs and close its borders with the Serb-held areas. The Republic of Korea hopes that the Federal Republic of Yugoslavia will faithfully adhere to its commitment.

History teaches us that political advantage wrested by brute military force cannot be sustained. The Republic of Korea urges all parties to the conflict to renounce the use of arms as a means of achieving peace. Especially, the Bosnian Serb leadership must realize that Bosnian Serbs can achieve genuine peace and well-being only by accepting a negotiated settlement. The Republic of Korea urges them to accept the Contact Group peace plan unconditionally and in full. In the meantime, the United Nations Protection Force (UNPROFOR) should be allowed complete freedom of movement and access to problem areas.

It is crucial that the international community actively engage in alleviating the suffering of the Bosnian people and in facilitating a negotiated settlement based on the principle of cooperation and genuine partnership. The General Assembly resolution adopted on 3 November last was an important step.

At this point, I wish to emphasize that the resolution, as my Government endorses it, is not meant to be a step towards an intensified arms struggle in Bosnia, but is intended to bring armed hostilities to an end and hasten peace. If the Bosnian Serb forces do not accept the Contact Group peace plan during the six-month period, there are no grounds to expect that they would be willing to do so in six years.

Sometimes, the ironic truth is that the lack of adequate response from one party to offences by the other only invites more offences and conflicts. Taking away the aggressor's hope for a military victory can mean the start of dialogue. The international community must exert more pressure on the Bosnian Serb forces, and we believe that the prospect of lifting the arms embargo for Bosnia and Herzegovina is the most persuasive weapon available against Serbian intransigence.

The President: I thank the representative of the Republic of Korea for the kind words he addressed to me.

The next speaker is the representative of Croatia. I invite him to take a place at the Council table and to make his statement.

Mr. Nobilo (Croatia): Madam President, allow me at the outset to join other delegations in welcoming your assumption of the presidency of the Security Council for this month, and in congratulating your predecessor on the highly able manner in which he led the Council last month.

In considering the situation in Bosnia and Herzegovina today, we must remind ourselves once again about the source of the whole crisis on the territory of the former Yugoslavia and its consequences, lest the pressure to find a quick solution compel us to accept answers lacking in both moral and legal substance, thereby eroding the accepted international norms of behaviour and well-being, over and above the credibility of this Organization alone.

We must recall that this conflict would not have developed had it not been for the tragic actions of one State with grand territorial designs, and that State's use of its overwhelming military superiority and exploitation of elements of its national minority outside its borders as proxies, to achieve those goals. In the process, that State has occupied 70 per cent of one country and 25 per cent of another, resulting in a loss of over 200,000 innocent lives in a campaign of mass murder, concentration camps, rape and expulsion that constitutes nothing short of genocide.

We must also take this occasion to recall some of the positive elements of the international community's policy in respect of this crisis, such as the sanctions regime, and remind ourselves not to tamper with those successes in order to achieve dubious short-term political changes, while we are still searching for the right balance of power in the region and while the State responsible for these tragic consequences refuses to make amends even in a nominal way, by mutual recognition between the successor States of the Socialist Federal Republic of Yugoslavia within their internationally recognized borders, as called for by the international community.

In regard to the resolution of this crisis, my Government has always favoured a policy based on the objective of a political settlement brokered by the international community and implemented through the use of established diplomatic mechanisms, international law, and relevant United Nations resolutions, in conjunction

with a credible threat of force. Croatia will continue to support this policy, while looking for mechanisms which would reinforce it and increase its probability of success.

The balance of power which is a prerequisite for such a political settlement and for a just and lasting peace, has not, however, been achieved through the measures thus far taken by the international community. The imbalance that now exists in the region should be of critical concern to the international community. That imbalance could be the precursor of an even more costly war, and new steps should now be pursued to correct it.

The imbalance in Bosnia and Herzegovina is clearly evident in the shocking arrogance of the Bosnian Serb party in respect of the Contact Group's territorial plan for the country, and in its continuing actions directed against civilians in Banja Luka and Bijeljina, not to mention its continuing strangulation of the safe areas declared by the Security Council and the ever-increasing blockage of humanitarian aid deliveries. The Council cannot afford to give itself any more room for compromise with respect to the situation in Bosnia and Herzegovina and the Bosnian Serb party. It must plan for new mechanisms that would impose peace in that country. One of those mechanisms should include the lifting of the arms embargo against the Federation of Bosnia and Herzegovina.

Lifting the arms embargo, in my Government's view, would be not a step towards war, but, rather, a leap towards peace. It would move us towards a new, desirable balance in the region. Creating and maintaining a balance of power between parties and States has a long history and proven effectiveness in promoting peace and deterring war. As we have stated once before in this Chamber, the fact that the cold war never got hot is a testimonial to the benefits of creating and keeping a desirable balance of power.

Like that in Bosnia and Herzegovina, the situation in Croatia has become disturbingly unacceptable. Three years of complete cooperation with the international community by my Government has resulted in the de facto occupation of a quarter of Croatia's territory by the Federal Republic of Yugoslavia (Serbia and Montenegro). The Vance plan and almost all the Security Council resolutions have yet to be implemented because of the consistent obstruction and refusal by the remnants of the Yugoslav Army and by the Belgrade proxy authorities in the occupied territories of Croatia. Clearly, they have not been faced with the necessary outside pressure — the

necessary pressure the international community pursues as a substitute for taking away the right of my Government to impose pressure of its own. The imbalance in Croatia cannot continue either, and, as in Bosnia and Herzegovina, the international community must find new mechanisms to correct the imbalance.

For this reason, we particularly welcome the eighth preambular paragraph of the preliminary draft resolution the Council will be considering, which reads:

"Convinced also that the continued refusal of the Croatian Serb authorities to implement key elements of the United Nations peace-keeping plan for Croatia and relevant Security Council resolutions calls into question the continued application of the embargo on deliveries of weapons and military equipment to the Republic of Croatia".

As the preliminary draft resolution defers the lifting of the arms embargo for six months, and in view of the wholly unacceptable situation in the occupied territories of Croatia and the expected Contact Group plan for those territories, it is logical and necessary to make the Croatian Government, too, eligible for a lifting of the arms embargo in six months, along with the Federation of Bosnia and Herzegovina, consistent with the principles of unconditional acceptance outlined in paragraph 1 of that preliminary draft resolution.

The importance of Croatia in creating and maintaining the desired balance of power in the region cannot be overlooked or minimized. As we stated in the General Assembly last week, the necessary balance in Bosnia cannot be achieved by taking a detour around Croatia. Earlier this year we emphasized in the Security Council that it might not be possible for the Government of Bosnia and Herzegovina alone to achieve the desired balance of power in the region. We must recall that the Bosnian Serb party and the Yugoslav Army are the consolidated remnants of the fourth largest army in Europe.

More than three years ago, on 25 September 1991, the Security Council, by resolution 713 (1991), imposed the arms embargo on the Socialist Federal Republic of Yugoslavia at the request of its Foreign Minister, who recalled the principle of

"the sovereign right of all to decide freely on their own future". (S/PV.3009, p. 6)

Since then that Member State has ceased to exist, and new successor States have become Members of the United Nations. This is important, because, as the Security Council chose to act positively on the sovereign request of that Member State, it should apply the same rule to the sovereign requests of the successor States of the former Member.

The Foreign Minister could not have been more wrong about the consequences of his Government's decision. The Council, however, should not perpetuate this grave mistake for ever, but should seriously consider how the decision to lift the embargo could contribute to creating a new desirable balance of power in the region — a balance which certainly would have a decisive impact on all parties that reject the fair and just peace offered by the international community.

The lifting of the arms embargo against the Federation of Bosnia and Herzegovina, representing the two parties that accepted the Contact Group's territorial plan, should be a logical next step, as clearly stipulated in the 6 July paper on incentives and disincentives by the presidency of the European Union. If it was a sensible mechanism back then, it should be no different now, and certainly not in six months. The latter date should also permit the creation of a sensible mechanism for achieving the desired balance in Croatia and hence in the region in general.

The President: I thank the representative of Croatia for the kind words he addressed to me.

The next speaker is the representative of Bangladesh. I invite him to take a place at the Council table and to make his statement.

Mr. Rahman (Bangladesh): I warmly congratulate you, Madam, on your assumption of the presidency of the Council for this month and remain confident that your leadership will contribute positively to the outcome of the Council's work. I would also like to pay tribute to your predecessor, Sir David Hannay of the United Kingdom, for his successful conduct of the Council's work in October.

The debate today, coming close on the heels of the General Assembly's adoption of its resolution 49/10 on the situation in Bosnia and Herzegovina, which Bangladesh co-sponsored, is of crucial importance in pushing towards remedial solutions on a total front: political, legal, economic and humanitarian. The

paramount objective of the world community remains to assist the parties towards a negotiated settlement that is just and viable, that will restore peace to the entire territory of Bosnia and Herzegovina and that will at the same time preserve its territorial unity and integrity within its internationally recognized borders.

Yet the reality is far from meeting that expectation. Seventy per cent of the Republic of Bosnia and Herzegovina is still under occupation. Sarajevo, the capital, and other cities remain under siege and prey to slow strangulation. Safe areas and exclusion zones remain vulnerable to unprovoked attacks and indiscriminate shelling. Human rights abuses against innocent civilians abound. Violations of international humanitarian law of genocidal intensity continue, with little being done to stop or mitigate the heinous practice of "ethnic cleansing", which continues even now in areas such as Banja Luka and Bijeljina.

No one can doubt that the real tragedy of Bosnia and Herzegovina, from its birth, was the single-minded pursuit of the goal of systematically dismembering that country to serve the cause of "Greater Serbia". Thus, despite acceptance by the Federal Republic of Yugoslavia (Serbia and Montenegro) of the Contact Group's peace proposal, the Federal Republic's potential residual support to the Bosnian Serbs gives rise to intense suspicion necessitating close monitoring of borders.

It has done little to shore up the confidence of the international community in a true change of heart. Serbia and Montenegro has yet to demonstrate credibility by recognizing the successor States of the former Yugoslavia, which are sovereign Members of the United Nations, or, indeed, by showing respect for internationally accepted frontiers. It has yet to establish its bona fides in stopping human rights abuses or to cooperate with the international war crimes Tribunal that has been established.

One of the fundamental ironies of this situation, which has for many of us defied rationality, legality and morality, was the imposition of a one-sided arms embargo on the weaker side despite clear-cut recognition of the Serbs' superiority in weapons. This has been compounded by the fact that none of the arguments justifying this imposition were borne out to any degree of validity. It did not enhance, but undermined, the peace process. It did not contain the fighting or help protect civilians. It did not stop, but encouraged, aggression, leading to dismemberment and occupation. Most important of all, it was the main factor contributing towards the practice of

"ethnic cleansing" as an instrument of war. Of course, the magnitude of all this should be placed in the context of, and measured against, the very real and valiant efforts made by the United Nations Protection Force (UNPROFOR) to restore some form of normalcy to this devastated land and facilitate humanitarian assistance.

Perhaps the greatest irony is that Bosnia and Herzegovina, despite this imbalance and unequal imposition, accepted the Contact Group's peace proposal, while the Bosnian Serbs continue to reject it.

It has been proved that concessions to the Bosnian Serbs are interpreted as signs of weakness, which is fully exploited in a sustained and calculated manner. The key issue is the maintenance of sustained pressure upon the Serbs. Without this, the credibility of the Council will be suspect and the erosion of the peace plan will be inevitable. Bangladesh believes that remedial prescriptions must be pursued on two essential fronts.

First, the lifting of the arms embargo is fully consistent with Charter prerogatives under Article 51 that guarantee to all Member States the inherent right to individual and collective self-defence. We welcome the compromise offer of the Republic of Bosnia and Herzegovina to seek *de jure* lifting of the arms embargo with effective application deferred up to six months, pending compliance by the Serbs with Security Council resolutions. This remains the most critical pressure point.

Secondly, UNPROFOR's numbers, mandate and areas of deployment must be strengthened and adjusted to confront Serb aggression, to bring about a comprehensive cease-fire, to curb and contain human rights abuses, to monitor borders against contraband intrusion, to protect "safe areas" and exclusion zones, to enhance the flow of humanitarian assistance, to ensure access of United Nations personnel and, above all, to sustain and promote the peace process.

It is our expectation and hope that the Council will act decisively, effectively and unanimously in this direction. More than two and a half years have elapsed, and the toll of death, destruction, human misery and suffering has been unprecedented. The people of Bosnia and Herzegovina have a right to the peace and justice that has been denied them. Pressure on the Serbs must not be lessened, but intensified. We believe that lifting the arms embargo is an essential step towards this end, and we fully support the draft resolution submitted by the United States.

The President: I thank the representative of Bangladesh for his kind words addressed to me.

The next speaker is the representative of the Islamic Republic of Iran. I invite him to take a place at the Council table and to make his statement.

Mr. Khoshroo (Islamic Republic of Iran): Allow me to express my delegation's pleasure and satisfaction at the Security Council's decision to consider the idea of lifting the arms embargo against the Government of the Republic of Bosnia and Herzegovina. We are hopeful that this exercise will bear practical fruit this time and that the cause of justice, rule of law and civilization will be served, in the interest of the defenceless people of Bosnia.

Two and a half long years of great pain, suffering and the nearly total destruction of a country have elapsed since the Security Council, by resolution 713 (1991), imposed the unjust, illegal, immoral and impractical embargo on deliveries of weapons and military equipment to the Republic of Bosnia and Herzegovina. The application of this resolution has not achieved its expressed goal of peace and stability. It has, on the contrary, helped embolden and strengthen the aggressor and perpetuate the circumstances that allow further crimes of genocide and "ethnic cleansing" to be committed. On the other hand, the embargo weakened, disarmed and tied the hands of the victim and robbed it of its inherent right of self-defence, enshrined in the United Nations Charter, and, in effect, tried to compel the Republic of Bosnia and Herzegovina to capitulate and surrender to the aggressor under duress.

The delegation of the Islamic Republic of Iran and many other delegations from Islamic and non-Islamic countries have, on any occasion when the Security Council has deemed it appropriate to open its doors to the general membership of the United Nations, underlined consistently that the imposition of the arms embargo on the Republic of Bosnia and Herzegovina, a State that did not exist when resolution 713 (1991) was adopted, not only contravenes the Charter of the United Nations and the principle of *jus cogens* but will also be counter-productive and result in an unfair and unconscionable military imbalance and, consequently, in the expansion, escalation, and perpetuation of Serbian aggression against the Republic of Bosnia and Herzegovina.

Who bears the responsibility for the lives that were lost, limbs that were severed, women who were raped, children who were separated from their parents, homes that were ruined, hopes that were dashed, and the credibility of

the Security Council that was compromised during the last two and a half years? A draft resolution to exempt the Government of Bosnia and Herzegovina from the arms embargo should have been submitted, considered and adopted overwhelmingly a long time ago, when it became evident that the continuation of the arms embargo against the victim, when the aggressor had access to more weapons than it could use, was definitely not the right thing to do. The international community holds the Security Council responsible for failing to muster the will, decisiveness and resources to rise above the short-sighted national interests of certain members in order to put an end to Serbian aggression and defend the sovereignty and territorial integrity of a Member State of the United Nations. The Security Council bears an even heavier responsibility for lacking the moral authority, honesty and sincerity to acknowledge its inability to shoulder its constitutional responsibility and, consequently, for failing to untie the hands of the victim so as to enable the Republic of Bosnia and Herzegovina at least to defend itself.

Today the eyes of the world — particularly the helpless eyes of the Bosnian people — are focused on this Council and on the positions of its 15 members. The Security Council is at a historic juncture when it can choose to do the right thing. It has the opportunity to restore its injured moral and legal authority by exempting the Government of the Republic of Bosnia and Herzegovina from the scope of the embargo on the supply of weapons and military equipment, which was imposed by resolution 713 (1991).

On the other hand, the Security Council could choose to defeat the proposal that the arms embargo should be lifted, thereby maintaining the criminal status quo in Bosnia and in fact defeating itself. That choice would be unacceptable to the international community at large. It would be unconscionable, unwise, perverse and — to put it mildly — tactless.

We are under no illusion that the lifting of the arms embargo against the Government of the Republic of Bosnia and Herzegovina would be a panacea. But, we believe that the Security Council has an obligation to bring an immediate end to the current state of affairs, which constitutes a gross violation of the terms and spirit of the United Nations Charter and of the general rules of international law. This would be a first step in the right direction.

Furthermore, contrary to the case made by those who oppose lifting the arms embargo, it would be a wise step and an intelligent tactical move which would enhance the chances of the peace process. The arguments of the detractors of the proposal that the arms embargo should be lifted, who say that such a move would subvert the peace process, escalate the conflict and hamper humanitarian efforts, are not convincing. Removal of the arms embargo would strengthen the Government of Bosnia and Herzegovina militarily, striking a balance of power between it and the Serbian aggressors. The Serbs would realize, for the first time, that it would be costly — perhaps even impossible — for them to continue their aggression and achieve their illegal goals. In these circumstances it is logical to expect the Serbs to resolve the problem by political means rather than on the battlefield. Therefore, lifting the arms embargo would, in effect, produce a psychological and practical atmosphere conducive to the peace process.

The General Assembly's adoption of its resolution 49/10, on the situation in Bosnia and Herzegovina, in which the Security Council is encouraged to exempt the Governments of the Republic and Federation of Bosnia and Herzegovina from the arms embargo, is yet another indication of the views of the majority of Member States.

Needless to say, of course, lifting the arms embargo against the Government of the Republic of Bosnia and Herzegovina should be accompanied simultaneously by a number of other steps. The need to strengthen the United Nations Protection Force (UNPROFOR) in the direction of peacemaking and to define its mandate clearly to prevent its military commanders from overstepping their authority and straying into the realm of political policy-making cannot be over-emphasized. In our view, the existence of a grey area between UNPROFOR's military commanders and its political leaders has been counter-productive, and this element has been exploited by the aggressors.

UNPROFOR must be strengthened if it is to be able to carry out its task vis-à-vis the protection of safe areas, in accordance with the relevant Security Council resolutions. I recall that several States, including the Islamic Republic of Iran, have offered to contribute troops to strengthen UNPROFOR. The Security Council should be willing to consider these offers anew.

Today's meeting of the Security Council to consider lifting the arms embargo against the Republic of Bosnia and Herzegovina is a test for the Council. Half-hearted efforts on the part of its members will not produce a

successful outcome. It is high time to rise above national politics and adopt a resolution based on the compromise proposal put forward by President Izetbegovic in the General Assembly on 27 September this year, thus beginning a serious and genuine peace process.

In conclusion, I should like to recall the Final Communiqué of the Seventh Extraordinary Session of the Islamic Conference of Foreign Ministers, held in Islamabad in September this year. On Bosnia and Herzegovina

"it reiterated the inapplicability of Security Council Resolution 713 to the Republic of Bosnia and Herzegovina and the Republic of Croatia and called upon the Security Council to confirm this."

The Communiqué continued:

"If no Security Council confirmation is forthcoming, the OIC membership, along with other UN members, will come to the conclusion that members acting individually or collectively can provide the means of self defense to the Government of the Republic of Bosnia and Herzegovina." (*A/49/448, annex I, para. 40*)

The President: The next speaker is the representative of Algeria. I invite him to take a place at the Council table and to make his statement.

Mr. Lamamra (Algeria) (*interpretation from French*): Allow me first, Madam President, to convey heartfelt congratulations to you on your assumption of the presidency of the Security Council for the month of November — a month during which many questions that are both sensitive and complex will require your clear-sighted analysis and your perspicacious judgement. I am convinced that your presidency, like that of your distinguished predecessor, to whom I pay due tribute, will be wise and productive — in particular, with regard to the international community's obligations in the face of the ongoing tragedy in Bosnia and Herzegovina.

In its painstaking management of the developments in a crisis that threatens the very existence of the Republic of Bosnia and Herzegovina and imposes on its people the worst abuses and trials, the Security Council has for two and a half years explored many paths and established a whole range of measures, all of which have proved limited in the face of an implacable strategy of hegemony and conquest. It is as if the Serbian irredentist

minority has installed itself for the long-term in intransigence and extremism, in the certainty that the international community will gradually get used to a *fait accompli* and continue to accommodate itself to increasingly exorbitant illegitimate claims.

The sanctions imposed by the Council have not produced the desired result. The safe areas and exclusion zones have not guaranteed the desired protection for the besieged populations. The laudable efforts of and the risks run by the United Nations Protection Force (UNPROFOR) have not put an end to the policy of *faits accomplis*, which is a severe test of the credibility of the international community's collective action in favour of a small Member State of the United Nations.

The persistent search for a negotiated political solution that has mobilized many people of goodwill, even when it took on the disquieting appearance of undue pressure on the weakest party and consecrated a status quo that resulted from the current balance of power, did not lead to reasonable prospects for lasting and reliable peace and stability. Even the territorial arrangements of last July, to which the Republic of Bosnia and Herzegovina agreed — not without a spirit of sacrifice and responsibility — were met with categorical rejection, the dangerous implications of which were clear to the mediators themselves.

It is now clear that the search for a negotiated political solution is deadlocked and that the maintenance of the status quo is neither possible nor admissible. This situation of deadlock, the responsibility for which is perfectly clear, sheds stark light on the anachronistic and unjustified nature of the arms embargo on the Republic of Bosnia and Herzegovina, the effect of which has been unduly to deprive a State Member of the United Nations of the means to exercise its inherent right to self-defence, without, however, providing it with proper international protection, since the aggressor has always counted on unlimited weapons power and has not been deterred by any constraints, admonishments or injunctions.

In fact, the extension of the arms embargo to the Republic of Bosnia and Herzegovina is fundamentally unjustified. This extension, which some explained by special historical circumstances that have since radically changed, is even less conceivable now that it is abundantly clear that the Serbian minority is banking on continually wearing down the resistance of the Republic of Bosnia and Herzegovina and on the eventual disengagement of the United Nations in order to impose its will to the very limit.

It is therefore time finally to be fair to the Republic of Bosnia and Herzegovina by recognizing its legitimate and fundamental right.

The Council must now dispense with certain inhibitions that have done a considerable disservice to the cause of peace, whereby the international community has been hamstrung by a restraint that the aggressor has perceived as a sign of indecision and incompetence.

It is time for the Council, by responding positively to the justified request of the Republic of Bosnia and Herzegovina, to make the coming six months a decisive stage in the history of a martyred country by truly stimulating the advent of a just and lasting peace supported by all, one that would do honour to the international community's commitment to inviolate values and principles.

The President: I thank the representative of Algeria for the kind words he addressed to me.

In accordance with the decision taken earlier in the meeting, I now invite Ambassador Dragomir Djokić to take a place at the Council table and to make his statement.

Mr. Djokić: Today's meeting is an opportunity to emphasize the gravity of the situation in the wake of the new developments in Bosnia and Herzegovina as well as the highly inadequate approach of the Council to the crisis since the beginning of the civil war.

The seriousness and complexity of the situation in Bosnia and Herzegovina must not be a reason for certain international factors to consistently abuse the General Assembly and the Security Council in order to pursue their own interests and thus create further obstacles to the attainment of a just and lasting peace in the region.

Ever since the onset of the conflict, a number of important members of the international community and of the Security Council have taken a biased and partial position, one that does not take into account the basic principle of full equality of the three constituent peoples in Bosnia and Herzegovina — the Muslims, the Serbs and the Croats. By opting to recognize the unconstitutional secession of Bosnia and Herzegovina as an independent State, the international community ignored the legitimate constitutional right of the Serb people who wished to remain a part of Yugoslavia. The recognition of the Muslim-dominated Government as a legitimate

representative of all three peoples also confirmed an unequal approach to the three Bosnian peoples.

Throughout the whole crisis, acting in a one-sided manner, the Security Council placed the blame almost exclusively on the Bosnian Serb side for whatever atrocities were committed, deliberately ignoring the very same acts committed by the Muslims and Croats.

It is particularly disturbing that the Security Council was unacceptably tolerant of the recent large-scale breach of the cease-fire and of the offensive launched by the Muslim side, massively assisted by the Croat forces. The constant violation of the exclusion zones for the purpose of arming and launching massive attacks in the Sarajevo and Bihac areas, the brutal murder of Serb soldiers and nurses in the Mt. Igman area, and the extensive "ethnic cleansing" and atrocities committed in the offensive against Kupres and Bosanska Krupa have met with absolutely no response by the Security Council.

Should the Security Council continue to act in this way, it runs the risk of not only losing its credibility but also taking full responsibility for the escalation of the civil war and its possible spill-over to the entire region.

The latest Muslim offensive vindicates the position that the Government of Federal Republic of Yugoslavia has taken from the very outset of the civil war in Bosnia and Herzegovina: that the extremist Muslim leadership is firmly committed to the war option, with a view to materializing its long-sought goal of creating a united, Muslim-dominated state.

A clear confirmation that Mr. Izetbegovic and his Democratic Action Party never departed from these aims, despite rhetorical calls for the preservation of a multi-ethnic and multireligious Bosnia and Herzegovina, is the continuous drive towards the full Islamization of Bosnian society. Such a policy is illusory, as it is unacceptable to the other two constituent peoples of Bosnia and Herzegovina and represents the major cause of the outbreak of the tragic civil war.

The intrinsic inequality in the approach to the three peoples of Bosnia and Herzegovina is particularly evident in the fact that great emphasis was put on the creation of a Muslim-Croat Federation with the guaranteed right to establish confederation ties with Croatia, whereas the right of the Bosnian Serbs to establish an equal entity that could establish ties with the Federal Republic of Yugoslavia still have not been clearly and publicly acknowledged by the

Contact Group. Without taking fully into account the equal and legitimate interests of all three sides, there can be no just and lasting solution to the crisis and the civil war in Bosnia and Herzegovina.

Unfortunately, recent developments in the field unequivocally confirm that one of the major reasons for the establishment of the Muslim-Croat Federation was the creation of an anti-Serb military coalition with the ultimate goal of completely denying the basic rights and vital interests of the Serbs in Bosnia and Herzegovina.

The Government of the Federal Republic of Yugoslavia most resolutely condemns the escalation of the civil war, which it sees as a direct consequence of the intentional gross violation of the cease-fire agreement by the Muslim side and by Bosnian Croat forces, supported by the units of the regular army of the Republic of Croatia. The Federal Government expresses its deep concern at the open support given this flagrant violation of the cease-fire agreement by certain countries, including, unfortunately, a member of the Contact Group. Such actions constitute a premeditated blow to peace and a calculated effort to undermine the peace process.

Calls for the lifting of the arms embargo against the Bosnian Muslims and carrying out offensive air strikes against the Bosnian Serbs can only lead to a very dangerous and uncontrollable escalation of the conflict, with increased risks of its spreading to the neighbouring regions. The lifting of the arms embargo would most certainly necessitate the withdrawal of major elements of the United Nations Protection Force (UNPROFOR) from the region and would no doubt place the remaining United Nations forces on the Muslim side in the civil war, something which runs counter to all basic principles of peace-keeping. Even though it is well known that the Muslim side is already receiving substantial shipments of arms, particularly after the creation of the Muslim-Croat Federation, a fully fledged lifting of the arms embargo would certainly aggravate the situation further, with unforeseeable consequences.

It is particularly disturbing that the latest agreement between the United Nations Secretariat and the North Atlantic Treaty Organization (NATO) on increasing targets in the Bosnian theatre is exclusively aimed against the Bosnian Serbs, despite the fact that the Muslim side has been constantly violating Security Council resolutions on safe areas. Even though UNPROFOR has recently called upon NATO to adopt an even-handed attitude towards all sides that attack UNPROFOR forces and

violate the safe-areas regime, NATO has flatly refused to do so at the insistence of the United States, which has been openly siding with the Bosnian Muslims and thus encouraging them to persist with the military option.

The Federal Republic of Yugoslavia has continuously invested efforts with a view to reaching a peaceful and negotiated solution to the crisis in Bosnia and Herzegovina, firmly convinced that the only solution to the Bosnian crisis is a peaceful one and that there can be no winners in the civil war. Yugoslavia is ready to accept any solution agreed to by the warring parties on the basis of full equality and respect for the legitimate rights of all three Bosnian peoples. Consequently, it stands ready to recognize the former Yugoslav republics after all outstanding issues are resolved in negotiations by the parties concerned.

It should be recalled that the Federal Republic of Yugoslavia supported all peace plans regarding Bosnia and Herzegovina, including the latest one put forward by the Contact Group. The Government has asked the Bosnian Serb leadership to show flexibility and take an unequivocal, positive stand on the Contact Group's proposal.

The Federal Republic of Yugoslavia has been falsely accused of involvement and territorial pretensions towards Bosnia and Herzegovina, repeated in the latest General Assembly resolution 49/10 on the situation in Bosnia and Herzegovina, despite the fact that it often acknowledged and clearly stated in the Declaration of the Assembly of the Federal Republic of Yugoslavia of 27 April 1992 that it did not harbour any territorial pretensions towards any of the republics of the former Socialist Federal Republic of Yugoslavia. As is well known and has been confirmed by the Secretary-General, there have been no soldiers of the Army of Yugoslavia in Bosnia and Herzegovina since May 1992.

It is unacceptable that unfounded charges against the Federal Republic of Yugoslavia should be repeatedly advanced in responsible forums such as the General Assembly and the Security Council. The General Assembly's latest resolution on the situation in Bosnia and Herzegovina is a flagrant example of this. It contains totally unacceptable charges of alleged aggression by the Federal Republic of Yugoslavia against Bosnia and Herzegovina as well as a condemnation of the violation of human and minority rights and breaches of international law. References to the concentration and detention camps in "Serbia and Montenegro" are absolutely ridiculous and senseless. They are obviously aimed at obscuring the real state of affairs in Bosnia and Herzegovina, to back up the

claims of the predetermined, one-sided guilt of the Serb side for the crisis in the territories of the former Socialist Federal Republic of Yugoslavia, and Bosnia and Herzegovina in particular.

The Government of the Federal Republic of Yugoslavia has repeatedly invited international humanitarian organizations to visit Yugoslavia and verify for themselves that such allegations are absolutely unfounded.

The Federal Republic of Yugoslavia is convinced that the plan of the Contact Group and the continuation of the peace process is the only rational and viable way of ending the crisis and establishing a just and lasting solution. Yugoslavia calls upon all sides in the civil war to cease immediately and unconditionally all military activities and to abide strictly by the cease-fire agreement. It also calls upon all other States not to support, directly or indirectly, the sides in the civil war which are responsible for breaches of the cease-fire, to oppose the escalation of the war and to support the peace process.

The approach pursued so far in the search for a resolution of the crisis in Bosnia and Herzegovina has obviously been ineffective. The urgent and unconditional lifting of all sanctions against the Federal Republic of Yugoslavia would create conditions for the establishment of an early, just and lasting peace.

The Federal Republic of Yugoslavia calls upon the Security Council to abandon its one-sided approach to the crisis in Bosnia and Herzegovina in the interest of urgently ending the war and creating favourable conditions for an overall, peaceful and negotiated settlement to the crisis in Bosnia and Herzegovina as well as in the entire region of the former Socialist Federal Republic of Yugoslavia.

In connection with some of the statements made during the debate I should like to offer the following comments. My delegation categorically rejects the untrue and malicious allegations that have been advanced by certain delegations. The situation in Bosnia and Herzegovina is far too serious for the Council to be manipulated in order to satisfy the domestic and political propaganda needs of certain countries. Those delegations that have again chosen to put forward such allegations have thus obviously shown that they are actually not striving to reach a just and lasting peaceful solution. On the contrary, by constantly advocating the lifting of the

arms embargo, air strikes, and even a full-scale intervention those delegations are generating a further escalation of the ethnic and civil war in Bosnia and Herzegovina.

As we have repeatedly stated in the Security Council and elsewhere, peace in Bosnia and Herzegovina cannot be achieved through military means or by threatening and punishing one side while at the same time encouraging the other side to continue with provocations and military

offensives. The only solution to the Bosnian crisis is, as it has always been and must be, a political and negotiated one.

The President: In view of the lateness of the hour I intend, with the concurrence of the members of the Council, to suspend the meeting until 10.30 a.m. tomorrow, Wednesday, 9 November.

The meeting was suspended at 9 p.m.



Security Council

Forty-ninth Year

Provisional

3454th Meeting

 Wednesday, 9 November 1994, 10.30 a.m.
 New York

President:	Mrs. Albright	(United States of America)
Members:	Argentina	Mr. Peláez
	Brazil	Mr. Patriota
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Sporys
	Djibouti	Mr. Dorani
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Sameen
	Pakistan	Mr. Marker
	Russian Federation	Mr. Fedotov
	Rwanda	Mr. Bakuramutsa
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Gomersall

Agenda

The situation in the Republic of Bosnia and Herzegovina

Letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/1248)

The meeting resumed at 10.55 a.m. on Wednesday, 9 November 1994.

Mr. Peláez (Argentina) (*interpretation from Spanish*): On this occasion, as the Security Council once again considers the situation in Bosnia and Herzegovina in the light of General Assembly resolution 49/10, I should like to restate some of the components of my country's position on this matter.

Argentina supports — in general — all the initiatives being taken by the Organization with a view to reaffirming the sovereignty, independence and territorial integrity of the Republic of Bosnia and Herzegovina, a cause to which we are committed.

The current diplomatic situation, which is affected by the Bosnian Serbs' regrettable refusal to accept the peace plan of the Contact Group, has made it necessary to confirm the international community's resolve to promote a peaceful solution to the conflict.

Today, we are faced with a situation in which one party, the Bosnian Serbs, is continuing to pursue an ethnic and fratricidal war rather than acceding to a settlement with international guarantees that our Organization could provide. For that reason, we once again urge that party to reconsider and to act in accordance with the views of the international community as a whole and put an end to the aggression.

The extremely serious violations of human rights and international humanitarian law in Bosnia and Herzegovina have disturbed and continue to disturb international public opinion. For that reason the International Tribunal will shortly become active as a basic instrument for restoring justice.

In the present conditions of fragile security we once again appeal for respect for the cease-fire and the safe areas.

There are, however, some signs that are not negative. I have in mind, in particular, the measures adopted recently in regard to the partial closure of the border between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro). If that border remains closed, then those measures, we believe, will contribute, gradually, to the achievement of regional peace.

In this context, we believe that the partial lifting of the arms embargo imposed in resolution 713 (1991) on the whole of former Yugoslavia will not contribute to maintaining peace and security in the region. Further, we believe that such a step would to some degree imply the assessment that diplomatic efforts had proved futile.

In addition, the risks that an escalation of the conflict would entail would cast a shadow not only on the future of the long-suffering people of Bosnia and Herzegovina but also on the functioning of the United Nations Protection Force (UNPROFOR) in fulfilment of its mandate.

I would emphasize that in this case, as in the case of all peace-keeping operations, the principle of neutrality is one of the fundamental principles for troop contributors.

On this understanding, the States contributing troops to UNPROFOR have done and continue to do so with the clear intention of contributing to the maintenance of peace and security in the region, and with no intention of participating in the conflict in any way.

Furthermore, UNPROFOR's mandate and composition are the result of a very delicate balance, one that it seems desirable, in light of the circumstances, to maintain. Therefore, the positive effects of the peace-keeping effort must be recognized and properly evaluated; they must not be underestimated.

We agree, in general, with the judgement of the Secretary-General, who in the report in document S/1994/1067 issued in the context of the last renewal of UNPROFOR's mandate, stated that the lifting of the arms embargo would significantly change the nature of the United Nations presence in the area and create totally unacceptable risks for the Force.

The President: The next speaker is the representative of Bosnia and Herzegovina, on whom I now call.

Mr. Sacirbey (Bosnia and Herzegovina): It is, I think, truly an honour for all of us, Madam President, to have you chairing the Security Council for this month and we certainly welcome the opportunity to have the benefit of your leadership.

Let me also say again that it was a benefit for the Council to have the Permanent Representative of the

United Kingdom, Sir David Hannay, in this leadership role last month.

My statement to you today will be augmented by several comments based on instructions I received from President Izetbegovic this morning, and by some new information. Therefore, I beg your indulgence in following this presentation.

Over the last 30 months, on more than one occasion this Council has heard the convincing logic of why the application of the arms embargo is counter-productive for the peace process, why it has actually contributed to the further victimization of the civilian population and why it is inconsistent with the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina.

I am afraid, though, that this logic is not considered important to at least some of the members of the Security Council. Their predisposition not to hear our pleas or to comprehend our reasoning is not something that we will once again attempt to confront with more pleas and more clear arguments. We will now seek to speak in terms and language that they can no longer avoid or ignore.

In the meanwhile, we will leave it up to the overall membership of the United Nations to ponder and to challenge why the right of self-defence, the targeting of civilians and the affirmation of sovereignty and territorial integrity have succumbed to a secondary priority.

I believe this is an especially appropriate question for the non-permanent members of the Security Council who have joined the Council from the rank and file of the General Assembly membership, and who, in reality, after a brief two-year term will descend from their position once again into the ranks of the general membership.

Yesterday evening, I listened intently to the debate and, in particular, to the commentary of the non-permanent members.

Maybe too idealistically, I believe these nations of the Security Council to be most inclined to represent the opinions of the general membership in view of their temporary status in the Council.

I was struck, at times, by the lofty language and surrealistic nature of the debate. I was also struck by the fact that some members of the Council, after having stayed through the statements of their fellow colleagues in the Council, with whom they exchange views on a daily basis,

were not present in person to hear the statements of the general membership.

The situation in the Republic of Bosnia and Herzegovina has for too long been discussed in the abstract.

One or two members of the Council retorted yesterday, "More guns do not mean more peace."

This may be an appropriate basis or theory from which to work in the search for global disarmament, but it is not an appropriate remark to make with regard to a country that has already had the unfortunate fate of being overrun and brutalized by a more than amply armed aggressor which frankly, is not concerned with lofty principles.

But more to the point, would you have raised such a question with your own people or your own soldiers when your nation was the subject of aggression and occupation? Would you even raise this question today when weapons -- defensive weapons at least -- are viewed as part of the balance of power and deterrence of aggression? No.

I think you must ask only one simple question: Has the current policy of applying the arms embargo to both the victim and the aggressor, to both the unarmed defender and the initially well armed attacker, produced the desired result, which is peace? The answer is clearly "No".

In fact, I believe most of you acknowledged in the debate yesterday that the situation seems only to be deteriorating further, that more civilians are endangered and that we are further from peace than before.

If you wish to continue to prescribe a medicine, then, at least examine its initial effect upon the patient and re-evaluate its curative benefits and see whether the effect, the relief, is only symptomatic or perhaps even counter-productive.

Continuing to prescribe the arms embargo to the Government of the Republic of Bosnia and Herzegovina is like continuing to prescribe thalidomide to pregnant mothers after having witnessed its most tragic and unfortunate side-effects on the innocent ones, the newborn babies. The original idea behind the medicine, which was to provide symptomatic relief to the nauseated mother, may have seemed like a good idea at the time,

but unfortunately the resulting side-effects are much worse than any benefits that could be derived.

We actually give serious consideration to the potential consequences for UNPROFOR and for humanitarian efforts in the Republic if the arms embargo is lifted.

The contributions of the brave and committed individuals associated with UNPROFOR and humanitarian relief have been intended to mitigate the consequences of aggression and suffering. We are truly grateful to these individuals, to the families of those that have lost their lives trying to help our citizens, and to the countries that have provided, and continue to provide, the necessary resources in support of UNPROFOR and humanitarian assistance. Unfortunately, this cannot be a substitute for the real cure.

Humanitarian assistance would be most effective as a supplement to peacemaking but it can be politically convenient, and abused, if applied as a substitute instead of a supplement.

Ambassador Keating — a man for whom I have the highest respect and who, I noticed, stayed here for the entire debate yesterday evening — was one of several representatives who spoke of the negative implications of lifting the arms embargo upon the "peacemaking" efforts of UNPROFOR. Therein, I am afraid lies the problem.

At least the current command of UNPROFOR, not to mention a few key members of the Security Council, have effectively neutered UNPROFOR to the point that it is, by no stretch of the imagination, a peacemaking force.

What is it then? The UNPROFOR Command refers to itself as a peace-keeping force and emphasizes its neutrality. I am afraid there is no peace to keep and the situation is only getting worse.

As for neutrality, UNPROFOR cannot maintain its neutrality by supporting a status quo that not only is disadvantageous but in fact means the gradual and certain demise of the Republic of Bosnia and Herzegovina and its Government.

You see, there is a harsh reality in the Republic of Bosnia and Herzegovina beyond the idealism of peace-keeping and humanitarian work. UNPROFOR is tolerated by both sides in the conflict because it serves the different interests of both.

We, the Government of the Republic of Bosnia and Herzegovina, have welcomed UNPROFOR because it is an important source of humanitarian assistance for many of our desperate citizens. It is a source that can moderate the war; it could also have been an effective peacemaking vehicle.

On the other hand, the Serbians tolerate UNPROFOR as a factor that provides them with international legitimacy; that in fact can be plundered or pruned to augment fuel and other supplies to the Serb military and profiteers. It is tolerated because it is a vehicle for preserving the status quo in the absence of peacemaking action, and in fact it is tolerated because, through UNPROFOR, the international community can be effectively intimidated and held hostage.

Today I was informed that the Serbians will in fact be given more fuel by UNPROFOR, in order ostensibly to clear the roads of snow. This is but one example of how UNPROFOR's resources are pruned to serve the interests of a war machine.

From the perspective of both the Republic of Bosnia and Herzegovina and those genuinely concerned for our country and people, the benefits of UNPROFOR are quickly becoming outweighed by the longer-term disadvantages and taxing costs that it places upon citizens desperate to get back to normality, not just to receive humanitarian assistance.

So what are we to do? What efforts are to be made in the pursuit of peacemaking?

Some members of the Contact Group, particularly certain European Union members, have advocated a position that we heard yesterday, which includes further attempts at political inducement of the Serbians, both Belgrade and the Pale Serbs.

Some could refer to this ongoing process as appeasement. I will not use that term today — I think we can all judge for ourselves.

However, that effort seems to have been stillborn and is not much more than an attempt to buy time in order yet again to offer an excuse as to why more resolute action is not necessary, including the use of the famous words "Why we have not reached the point of last resort".

I am afraid we have reached the point of last resort; the last resort is the status quo.

Unfortunately, last night, while spouting untruths and appeals to religious prejudice, Ambassador Djokić also killed any hopes that the European Union's plan could bear quick fruit, bitter or otherwise. He rejected the call for mutual recognition between the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro).

So what other avenues are open for peacemaking?

Unwilling to confront ever-increasing Serbian challenges by using all the mechanisms available to them, some elements within UNPROFOR have now established a negotiating process parallel to that of the Contact Group and the mandate given to them by the Security Council. Instead of insisting upon full compliance by the Bosnian Serbs with relevant Security Council resolutions, and instead of pressuring them to accept the Contact Group peace plan, these elements within UNPROFOR are now second-guessing and effectively eroding the mandate given to them by the Council; they are now actually formulating alternatives to the Contact Group peace plan.

We find this parallel track to be inconsistent with UNPROFOR's mandate and the Contact Group peace plan.

We of course must ask: Is it in fact the tail wagging the dog?

On several occasions we have discussed new options to try to gradually bring peace to the Republic of Bosnia and Herzegovina. One of the ideas born out of the European Union initiative was the concept of demilitarizing Sarajevo and ultimately placing it under the temporary control of the United Nations. It is an idea that was advanced on several occasions in discussions in the Council and in a draft resolution submitted to the Council.

I have before me an analysis by certain political elements within UNPROFOR that are actually giving their judgement as to why this potential effort by the Security Council should not be supported. I will read from that analysis as follows:

"The logic can be traced through [Security Council resolutions] 824, 836 and 900 and the NATO ultimatum of 9 Feb 94. It should be noted that [Security Council resolutions] 824 and 836 were designed to support the then on going Vance Owen

plan that had been signed by the [Bosnia and Herzegovina] and Croat governments but refused by the Bosnian Serb government. [Security Council resolutions] 824 and 836 define the Safe Area concept and reaffirm SARAJEVO as a safe area. The NATO ultimatum supported the lifting of the siege of SARAJEVO as a step toward placing SARAJEVO under UN administration in conformity with the plan and commended the current efforts of the UN negotiators toward securing the demilitarization of SARAJEVO. The plan referred to was the European Union Action Plan of 22 Nov 93. (Vance Owen Plan)."

Apart from the fact that this constitutes a judgement of a Security Council initiative, it is incorrect. The European Union Action Plan is not the Vance-Owen Plan.

And here is the commentary:

"The Vance Owen plan does not exist now. To restore old initiatives now may be counter productive as other initiatives for an overall peace plan are ongoing in GENEVA. It appears to me that this draft is an admission of failure of the GENEVA initiatives or an attempt by the BH government to further secure SARAJEVO in order to carry out the war successfully on other fronts. It is apparent that no overall peace settlement will be agreed by the BH government at this time."

Once again, demilitarizing Sarajevo and placing it under United Nations control is part of the current Contact Group peace plan.

The analysis continues:

"It is unlikely that the Bosnia Serbs would agree to complete demilitarization of SARAJEVO including all ten opstinas. The 20 km exclusion zone includes most of SARAJEVO but not all."

It seems to me that this is the real crux because what the Bosnian Serbs do not want, UNPROFOR does not do.

I continue to read from the analysis:

"The idea to eliminate any internal confrontational lines and to dismantle all check

points is noble but would in fact hand over territory to the BH government as the Draft implies."

Again, we are not claiming Sarajevo for "BH government"; we are claiming Sarajevo for its citizens — an open city demilitarized.

Now I quote again:

"The DRAFT does not include Serb authorities in a city where 'UNPROFOR will be responsible for maintaining the security of the city' and 'where all the police and the internal security of the city would be placed under the joint authority of UNPROFOR and the Government of the Republic of Bosnia and Herzegovina with participation of other local authorities.'"

This seems to be the basis for UNPROFOR's having rejected, certainly reacted negatively to, at least one potential effort to bring peace to Bosnia and Herzegovina and the gradual application of the concept of demilitarization and peacemaking.

Another resolution was proposed, which was to allow UNPROFOR forces to enter Banja Luka in order to deter further human rights abuses. We may recall that back in June the Secretary-General's Special Representative was in fact asked by the Security Council, and was given permission by the Bosnian Serbs at that time, to go into Banja Luka.

On several occasions the Security Council has in fact demanded once again that the Special Representative, Mr. Akashi, be granted access to Banja Luka.

Allow me to read the comments of UNPROFOR regarding the proposed resolution to deploy UNPROFOR forces in Banja Luka. Under the heading of general comment, we read:

"This draft is emotional and complete with rhetoric. Yet there is some truth in it. According to the UNHCR the ethnic cleansing and the movement of refugees from the BANJA LUKA and surrounding area has been extensive since 1991. This is on going with an estimated 1,696 refugees moving from Northern BH (Banja Luka area) to Croatia in May 94."

This is just one month. This is May 1994, and refugees are moving only into Croatia, not into the rest of Bosnia. I would consider this cause for alarm.

The second general comment is that in resolution 780 (1992) the Security Council expresses

"...grave alarm at continuing reports...of mass killings and the continuance of the practice of 'ethnic cleansing'" (*fourth preambular paragraph*).

In the comments from which I have been quoting, the statement is made that "This appears to be the basis for the draft". I think that is an accurate statement.

There are comments on particular paragraphs of the Security Council draft resolution. I will not go through all of them but will read out only a few.

The first comment concerns the paragraph from the Security Council draft resolution that reaffirms that all parties are bound to comply with the Geneva Conventions. The comment reads:

"This is motherhood and in no way accomplishes anything."

I would call that cynical.

The second comment relates to the following phrase from the draft resolution: "Strongly condemns 'ethnic cleansing' by de facto Serbian authorities in Banja Luka...". In fact, UNPROFOR's comment is: "No comment".

The third comment is on the phrase in the draft which reads: "Demands that the de facto Serbian authorities end despicable acts, which constitute a form of genocide". UNPROFOR's comment on this element of the Security Council draft resolution is:

"emotional and non-objective; unlikely to be accepted by Security Council. The leap of logic from expulsion to mass murder is not acceptable".

I think we all know that mass murder has occurred in the Banja Luka area. There is a war crimes Tribunal in The Hague right now, which yesterday indicted the first criminals associated with mass murder in Banja Luka.

I turn now to the next point, which concerns the following phrase from the draft resolution:

"Calls for the immediate deployment of UNPROFOR into this region to deter further attacks and human rights abuses against the non-Serb population".

The UNPROFOR comment is:

"If all Muslims and Croats have been expelled, then there is no requirement for UNPROFOR. This appears an attempt to gain more territory for BH Government".

There are almost 50,000 non-Serbs — Muslims, Croats, gypsies — who still live in the Banja Luka area. Yes, they may all be expelled very soon. Some of them may even be murdered. But they still do live there.

The final, overall UNPROFOR comment is:

"This is a draft that condemns the Serbs and argues that the UNPROFOR should enter the Banja Luka area under the auspices of Chapter VII, i.e., peace enforcement. This would mean that impartiality would be lost. There would not appear any reason for UNPROFOR to enter into Banja Luka as there does not appear to be atrocities occurring warranting intervention. This draft appears to be another attempt to gain more territory".

While *The New York Times* and the Office of the United Nations High Commissioner for Refugees (UNHCR) report continuing atrocities, we hear this comment from UNPROFOR — and I repeat it:

"This would mean that impartiality would be lost. There would not appear any reason for UNPROFOR to enter into Banja Luka as there does not appear to be atrocities occurring warranting intervention."

Why is UNPROFOR in Sarajevo? Why is UNPROFOR in Mostar? It is because they are welcomed by our Government. But they are not welcomed by the criminals who occupy Banja Luka.

In the meantime, these elements within UNPROFOR have gradually allowed their real mandate to erode to the point of irrelevance. Today, as I mentioned, I have been informed by my President that Serbian aeroplanes, coming, we suspect, from the United Nations Protected Areas in

Croatia, have attacked the Bihac pocket in violation of the no-fly zone.

I am informed that reconnaissance aircraft flew over Bihac yesterday and were not confronted. Not having been confronted yesterday, they decided today to carry things one step further.

Yesterday, as was mentioned in this Council, four children and a woman were murdered in front of a schoolyard in Sarajevo as a result of the now-intensified shelling of the city of Sarajevo and its civilian population.

Back in July of this year, after we agreed to the Contact Group peace plan, we believed that the international community, and particularly the members of the Contact Group, would be prepared to undertake ever-more-forceful measures to compel the acceptance and implementation of peace. Unfortunately, exactly the opposite has happened. We now find ourselves in a situation where once again Sarajevo is being shelled; our young children are being murdered on our streets; and Serbian aircraft are once again flying through our skies like birds of prey.

Let me remind the Council of how this re-intensified Serbian war has come about. In July, the Government of the Republic of Bosnia and Herzegovina accepted the Contact Group peace plan. Soon after our acceptance, the Serbian forces threatened that they would respond by creating ever-increasing tension and brutalization. Then the Blue Route was closed. Then certain areas of our Republic continued to be subjected to "ethnic cleansing". Then, after this met with no resistance, shelling of the Blue Route and areas around the Blue Route started. When this did not meet with a response from the United Nations forces, the shelling of Sarajevo and the sniping at street-cars and the murder of civilians in Sarajevo once again resumed.

I am truly grateful to those forces that, between February and late summer of this year, managed to bring a sense of normalcy to Sarajevo through the imposition of the exclusion zone. Unfortunately, I must inform the Council that the people of Sarajevo believe they are worse off today than they were in February. Why? Because in February they had hope that what the Council was delivering to them would be something real, something that would bring about real peace. Now, once again, their hopes have been dashed and they understand that they are living under an illusion.

I wish to make one final point. I cannot confirm this information, but I bring it to the attention of the members of the Security Council as a cause for alarm. I have been informed by President Izetbegovic that the Bosnian Serbs intend to take action today, this evening, to demand the withdrawal of UNPROFOR from Srebrenica, Zepa and Gorazde. We hope that this is not so, because, of course, it would put all of us in a very difficult situation, and particularly the people of Srebrenica, Zepa and Gorazde. But by bringing this potential truth to the attention of the Council, I hope to ensure that it does not become a real truth.

What options does the Council believe are left to us? If we are told that we must choose between UNPROFOR and the lifting of the arms embargo — and we are actually being given that choice — then we must once again say that we will choose the lifting of the arms embargo. That seems to be the only true way to a real and lasting peace.

But I must not simply leave the issue at that point. Some believe that the choice must be to have one or the other: either UNPROFOR or the lifting of the arms embargo. But, as has been pointed out by many members of the General Assembly, including the representatives of other troop-contributing countries, the choice may not in fact be between one and the other. It may be that both options can be chosen.

We would welcome the redeployment or withdrawal of those who do in fact believe that it is a choice between one and the other, if that is truly what they believe. But in the meantime, we believe that UNPROFOR's efforts can be supplemented by measures that effectively allow the Bosnians to defend themselves: by the lifting of the arms embargo or, on the other hand, through an overall peacemaking process — in conjunction, indeed, with the Contact Group peace plan — to achieve a settlement.

We must recall for everyone that the lifting of the arms embargo is mentioned in the Contact Group peace plan as part of the overall plan. It should not be something that is considered outside of the plan, for it would then be viewed as being outside a political framework designed to achieve peace. We believe that, in order to achieve the political framework established by the Contact Group, it may be necessary to undertake greater peacemaking efforts. We would in fact welcome the international community's undertaking those greater peacemaking efforts. But if the Contact Group and the international community are not in fact prepared to undertake such efforts, then all we can do is ask the Council to redouble its efforts to secure them.

We are prepared to continue to live by the Contact Group peace plan.

Some speak of the threat that once the arms embargo is lifted Serbia and Montenegro will continue to send weapons into Bosnia and Herzegovina, and will in fact intervene. I think this is a real admission of the original causes of this war: that is, aggression from a neighbouring country. If in fact Serbia and Montenegro chose to react to the lifting of the arms embargo by allowing weapons and men to flow into the Republic of Bosnia and Herzegovina, that again would be an admission of continuing aggression and would need to be responded to accordingly.

Is an attempt now being made to tell the Bosnians that they cannot defend themselves, that they cannot receive weapons, because if they do they will be the target of aggression? That is not the logic of the Security Council; that is not the logic of international peace and security; that is not the logic that we should be bound by.

Ambassador Djokic yesterday spoke of the "spill-over" of what he calls the civil war in the Republic of Bosnia and Herzegovina. In fact, there already has been a spill-over. The spill-over is from Serbia and Montenegro into the Republic of Bosnia and Herzegovina, and we must find a way to stem that spill-over. We certainly welcome the placement of border monitors on the border between Serbia and Montenegro and the Republic of Bosnia and Herzegovina. But if these border monitors are to be subject to Serbian whims, then they are not in fact serving their intended purpose.

Let me now address the issue of the potential threat to regional peace and security if the arms embargo is lifted. There already is instability; we are already on the brink of war in the entire region. In fact, if there is a failure to stem aggression, if there is a failure to address the consequences of that aggression and to allow the victim to defend itself, then I am afraid that the threat to regional peace and security will increase. There can be no greater threat to regional peace and security — to international peace and security — than the legitimization of the aggression through the sanctioning, through the creation, through the legitimization of a "Greater Serbia".

How can we talk of regional peace and security if efforts here amount to the promotion, the legitimization of ultra-nationalism and the concept of ethnically homogeneous territories and countries? These in fact are

the greatest threats to peace, not giving weapons to a victim that wants to defend itself and preserve a multicultural society.

Let me turn to the following point. Our President came to the General Assembly in late September and made an offer in the interests of peace and in the interests of cooperation with the Contact Group and with the Security Council as a whole in bringing about a settlement for the Republic of Bosnia and Herzegovina. We have already made many concessions in the past, and we thought we were making one more compromise, that is asking the Security Council today to lift the arms embargo and to defer the application of that decision for six months, to give the international community and the Contact Group a last opportunity to compel the Bosnian Serbs to accept the peace plan — in fact to give them additional leverage to pressure the Bosnian Serbs, knowing that the Bosnian Serbs would no longer enjoy an advantage in weapons.

It seems to us that this offer has either been misunderstood or, in some cases, perhaps even deliberately misinterpreted. None the less, the offer stands, and we look to the Security Council to act in a manner that welcomes the offer and that builds upon it. We certainly remain open to cooperation with you, Madam President, with the remainder of the Security Council and with the members of the Contact Group in this effort.

We believe that flexibility is a virtue. Unfortunately for the Bosnians, we have been asked to be too flexible for too long. I think it is now time for flexibility on the part of those whose actions and ideas in Bosnia have not proven to be successful.

As a last point, I believe that over 40 nations are participating in this debate. I would like to thank all of them, whether they speak in support of our cause or not, whether they share our views or not, for participating and for once again taking the time and making the effort to prepare and present their views.

The President: I thank the representative of Bosnia and Herzegovina for the kind words he addressed to me.

The next speaker is the representative of Norway. I invite him to take a place at the Council table and to make his statement.

Mr. Bjørn Lian (Norway): Allow me first of all, Madam, to congratulate you on your assumption of the presidency of the Council for the month of November, and

to say that I look forward to further manifestations of your skilful leadership. Allow me also to thank Sir David Hannay, Permanent Representative of the United Kingdom, for his truly effective performance during October.

I have the honour to make this statement on behalf of the five Nordic countries: Denmark, Finland, Iceland, Sweden and Norway. I should say at the outset that the Nordic countries share the views expressed in the statement made yesterday by the representative of Germany, on behalf of the European Union. I want to say also that I listened closely and with great attention and respect to the statement made a moment ago by the representative of Bosnia and Herzegovina, whose views will be fully considered by our authorities.

This debate takes place against the background of intensified fighting in Bosnia and Herzegovina. Once again, we receive images of death, human suffering and material destruction. The Nordic countries launch an urgent appeal to the parties to cease all hostilities immediately.

The Nordic countries firmly support the process of negotiations with a view to finding a comprehensive political settlement of the crisis in former Yugoslavia. The relentless efforts and the concrete proposals worked out by the international community, including the Contact Group and the International Conference on the Former Yugoslavia, have our full support. We again urge the Bosnian Serbs to accept unconditionally the Contact Group plan.

The Nordic countries strongly believe that lifting the arms embargo would have serious consequences. It would increase the risk of a further escalation of the war and a widening of the conflict. It would jeopardize the security of the personnel of the United Nations Protection Force (UNPROFOR) and put at risk the humanitarian aid operations it has been mandated to protect. It would further victimize the recipients of this vital humanitarian aid — namely, the civilian population, including the Muslims. A decision on lifting the arms embargo must therefore remain a last resort.

We are convinced that a political settlement should be pursued until all avenues are exhausted. In this context, the five Nordic countries support the wider approach outlined by the European Union, introducing additional elements into the peace process.

The Nordic countries are among the largest contributors to the peace process, participating in humanitarian operations, where the Office of the United Nations High Commissioner for Refugees (UNHCR) plays a leading role, and in the United Nations Protection Force, as well as in other efforts.

The presence of UNPROFOR will continue to be vital for the maintenance of supply routes of humanitarian aid into Bosnia and Herzegovina, for the "safe areas" and as an overall element of stability in a volatile situation. UNPROFOR must act decisively and not fall victim to intimidation, in order to maintain respect for its mandate and its troops. The agreed close coordination of UNPROFOR and the North Atlantic Treaty Organization (NATO) is an important element in this regard.

Allow me one final remark on UNPROFOR, which is working under very difficult conditions. We want it put on record as our considered opinion that, despite limitations in manpower and other resources, and despite the constant infringements on its freedom of movement and allegations of ineffectiveness, UNPROFOR is doing a first-rate job.

The President: I thank the representative of Norway for the kind words he addressed to me.

I should like to inform the Council that I have received a letter from the representative of Thailand in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Phanit (Thailand) took the place reserved for him at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 9 November 1994 from the Permanent Representative of Pakistan to the United Nations which reads as follows:

"On behalf of the members of the Organization of the Islamic Conference, I have the honour to request that the Security Council extend an invitation to His Excellency Mr. Ahmet Engin Ansay,

Ambassador, Permanent Observer of the Organization of the Islamic Conference to the United Nations, to address the Council under rule 39 of its provisional rules of procedure in the course of the Council's consideration of the item 'The situation in the Republic of Bosnia and Herzegovina'."

The letter will be published as a document of the Security Council under the symbol S/1994/1269.

If I hear no objection, I shall take it that the Council agrees to extend an invitation under rule 39 to His Excellency Mr. Ansay.

There being no objection, it is so decided.

The next speaker is the representative of Jordan.

I invite him to take a place at the Council table and to make his statement.

Mr. Abu Odeh (Jordan) (*interpretation from Arabic*): At the outset, allow me to convey to you, Madam President, my delegation's congratulations on your assumption of the presidency of the Security Council for this month. I am confident that your rich experience and great skill will be reflected in the able manner in which you will conduct the work of the Council. I should also like to take this opportunity to express my appreciation to your predecessor, Sir David Hannay, the Permanent Representative of the United Kingdom, for the able manner in which he conducted the business of the Council during the month of October.

My delegation has not failed to participate in one single Security Council or the General Assembly meeting on the situation in Bosnia and Herzegovina. Nor has it failed to co-sponsor any of the various resolutions adopted in the context of the continuing international endeavours to mitigate the tragic suffering of the people of Bosnia and Herzegovina and to put an end to the Serbian aggression against their Republic. We have continued to do that because my Government, like many other Governments in the world, accords a very high priority to the human, legal and political tragedy of the Government and the people of Bosnia and Herzegovina.

It is most regrettable and, indeed, puzzling that this clearly just cause has been met with clear failure on the part of the countries that have the strongest influence in international affairs to champion the cause of that State

whose sovereignty and whose people's human rights continue to be violated, regardless of the fact that since the beginning of the aggression against it, that country has continued to appeal to the United Nations for protection. All these appeals have availed nothing, with the exception of the fragile protection afforded to some "safe areas".

In addition, this failure to protect the Government and the people of that State has been accompanied by the adamant insistence, without any legal or moral justification, to deprive that State of its right to self-defence. This has resulted, as far as all sectors of the Jordanian population are concerned, in a feeling of strong sympathy for, and stronger solidarity with, the Bosnian people as a result of the unjustifiable, flagrant disregard of and silence over the violation of the sovereignty of that small Muslim Member State and the flagrant violations of the human rights of a people that lives in a civilized European milieu that greatly prides itself on its championing of the causes of freedom and human rights, and its commitment to the system of collective security, all of which are supposed to be fundamental features of our era and the universal goals that the whole world, represented by the United Nations, aspires to achieve and entrench.

The application of Security Council resolution 713 (1991) to the Republic of Bosnia and Herzegovina, the weaker party and the victim of aggression, without any commitment to protect that party, has prevented that State from acquiring the means whereby it could exercise its right to self-defence. This contravenes Article 51 of the Charter. The insistence on applying this resolution to the Republic of Bosnia and Herzegovina, after the acceptance by its Government of the peace plan proposed by the Western Contact Group and the rejection of that plan by the aggressor Serbian party, amounts to alliance with the aggressor instead of standing up to aggression because, in actual fact, this insistence has created a major military imbalance between the already weak Muslim Bosnian party and the strong Serbian party. This imbalance has undoubtedly been one of the major factors in encouraging the Serbian party to persist in its aggression and to continue to reject the proposed peace plan. Here we must refer to the testimony of the Special Rapporteur on human rights in the former Yugoslavia, who stated in late 1992 that that military imbalance was the main factor that enabled the Serbs to carry out their policy of "ethnic cleansing".

We proceed, in participating in this debate, from our desire to reach consensus on the need either to persuade or to force all the parties involved in the ongoing conflict in

Bosnia and Herzegovina to renounce the military option and to resort to a negotiated political settlement in accordance with the principles of the Charter and the rules of international law.

Regrettably, this endeavour, at the level of the Security Council, the General Assembly and the International Conference on the Former Yugoslavia has not been successful so far, and we do not believe that it will succeed in the future unless the root cause of such failure is dealt with — the root cause being the military imbalance between the aggressor and the victim of aggression.

Logic dictates that so long as the Bosnian Serb side feels it enjoys military superiority and that it can achieve its unjustifiable nationalist ambitions by military force, no serious progress will be achieved in the political negotiations on Bosnia and Herzegovina and the Bosnian Serb side will not respond to any international peace plan, even if it gets the lion's share out of that plan. Consequently, if we really want a peaceful settlement, we must act in the light of this realization and in a manner that would serve such an aim.

In order for us to do that, now that the Council has failed to discharge the responsibility mandated to it under the Charter, and had not ended the aggression against the territory and people of a State Member of the United Nations, the imbalance created by the Security Council in the equation must be redressed by lifting the arms embargo so that the Republic of Bosnia and Herzegovina may be able to acquire the means whereby it could exercise the right of self-defence.

It is inconceivable that the existing situation should be allowed to continue, after three years of suffering, with 70 per cent of that State's territory under occupation, its capital and other cities under siege, and its people savaged by the criminality of the aggressor while that aggressor continues to reject the proposed peace plan and persists in its aggression, to the extent of hindering the efforts to provide humanitarian relief to Bosnian citizens besieged in the so-called safe areas.

We are convinced that the lifting of the arms embargo that is now imposed against the people and Government of Bosnia and Herzegovina will promote the peace process in more than one way. It will contribute effectively to making it difficult for the Serbs to realize their illegal ambitions and thereby force them to opt for dialogue, negotiation and peace.

Lifting the arms embargo will also work in favour of the humanitarian relief efforts and help to mitigate the suffering of the civilian population, as it will enable the army of Bosnia's Government to shoulder its responsibilities with regard to the delivery of assistance to the civilian population. It would also strengthen the role and capability of the United Nations Protection Force by protecting it from harassment by Serbian militias and from the acts of robbery and blackmail perpetuated by those militias. The consequences of the vast military imbalance between the Bosnian army and the Serbian forces for the civilian population are tragic, and its political implications destructive.

Contrary to the suppositions of some, the action that we advocate would not widen the conflict. Rather, it will contribute to the performance of the legitimate and very desirable moral task of enabling the army of Bosnia, for the first time, to discharge the duty of protecting the civilian population and deterring the heinous policy of aggression pursued by the Serbian side. Deterrent military force is without a doubt a legitimate political means of achieving and consolidating peace.

It is in this light that we can understand the threat by the Serbian leadership to attack the international peace-keeping force if the arms embargo against Bosnia and Herzegovina is lifted. The Serbian leaders fully realize the consequences of any improvement in the Bosnian army's capability in the area of armament and, consequently, in its ability to deter aggression. They know full well that, should this happen, they will be forced to accept the proposed peace plan, which runs counter to their ambitions.

The threat by some troop-contributing countries to withdraw their contingents is nothing but surrender to the blackmail of the Serbian leaders. Such a course would amount to falling into the Serbian trap, and it would be an implicit admission that the troop-contributing countries' forces are no more than hostages in the hands of the Serbs. The Serbian threat to the peace-keeping forces validates the call for the lifting of the arms embargo against Bosnia and Herzegovina in order for its army to be able to deter aggression and thereby to compel the aggressors to renounce their intransigence and move towards dialogue and serious negotiation.

Under the terms of Article 24 of the Charter, and in the light of paragraph 2 of that Article, the failure or inability of the Security Council, which acts on behalf of the international community, to face up to the grave

security, military, political and humanitarian situation that has obtained in the Republic of Bosnia and Herzegovina for more than three years makes it imperative for the Council to allow the victim, without delay, to acquire the means of self-defence. This is a humanitarian, legal and moral duty that the Council must discharge forthwith without any hesitation.

Otherwise, we shall remain in a vicious circle, and whole Chapters of the United Nations Charter will be thrown dangerously into question. I refer to the Chapters that determine the Security Council's conduct in discharging its duties in accordance with the principles and purposes of the Organization. Failing the lifting of the embargo, the international community will have a duty to act, collectively or individually, to provide the Government of Bosnia and Herzegovina with the means of self-defence, in accordance with Article 51 of the Charter.

General Assembly resolution 49/10, which was adopted on

3 November 1994, contains 44 preambular and operative paragraphs which state the position of the overwhelming majority of the international community with regard to the situation in Bosnia and Herzegovina and its various developments. The resolution, of which my country was one of the sponsors, expresses the international community's moderate will to deal with this tragic situation. My delegation appeals to the Security Council to respect that will, to act in accordance with it and, in particular, to respond to paragraph 22, of the General Assembly's resolution which pertains to the question of exempting the Government of Bosnia and Herzegovina from the arms embargo that was imposed by Security Council resolution 713 (1991), on the basis of the Bosnian Government's offer to accept the *de jure* lifting of the arms embargo with effective application deferred by the Security Council in the light of acceptance and implementation of the peace plan by the Bosnian Serbs.

The President: The next speaker is the representative of Morocco. I invite him to take a place at the Council table and to make his statement.

Mr. Snoussi (Morocco) (interpretation from French): First of all, Madam President, I should like to congratulate you very warmly on your assumption of the presidency of the Security Council. We are sure that under your presidency the work of the Council will be successful.

I should like to pay a special tribute to your predecessor, Sir David Hannay, for the competent and distinguished manner in which he guided the work of the Council last month.

Last week the General Assembly adopted, without any negative vote, a resolution in which it asked the Security Council

"to give all due consideration [to exempting] the Governments of the Republic and the Federation of Bosnia and Herzegovina from the embargo on deliveries of weapons and military equipment originally imposed by the Security Council in resolution 713 (1991) of 25 September 1991".
(General Assembly resolution 49/10, para.22)

The *de jure* lifting of the arms embargo would be effectively implemented only in six months' time, in accordance with the proposal made last September by the Bosnian President, if by then the Bosnian Serbs were continuing to reject the peace plan presented by the Contact Group.

This overwhelming support for an initiative that does honour to your country, among others, Madam President, reflects the true feelings of the international community, which has for more than two years tried to discourage attempts to infringe the sovereignty and integrity of a country that is a member of our community.

During the debate in the General Assembly on the question of lifting the arms embargo against the Bosnian Government, it became evident that the efforts of the international community had not succeeded in fully ensuring the protection of civilian populations, let alone in putting an end to the conflict that has been ravaging this brotherly country for more than two years, despite all the concessions - often very painful ones - agreed to by the Government and the people of Bosnia and Herzegovina.

After more than two years, we find ourselves back where we started. We have succeeded only in very minimally protecting a Member State from invasion and from attempts against its sovereignty. Bosnia and Herzegovina, it must be repeated, had to fight, but it had to fight with too few weapons against an enemy that had help and heavily armed forces.

We have shared the sufferings and the frustrations of the people of Bosnia and Herzegovina, but on several occasions we did in fact prevent them from defending

themselves, though our intentions were assuredly good. But how can one speak of good intentions to a people that day after day is subjected to humiliation and sorrow? We had thought that by permitting this country to defend itself, we were going to encourage, as was often said, an escalation - but what an escalation!

After more than two years of this tragedy, we can now say that, unfortunately, we encouraged the established military superiority and dreams of hegemony. Is it not time for us to realize that we are in the process of putting this country at the mercy of extremists? Some Muslim States, such as mine, should today feel guilty for not having done more.

Those States had hoped that at any moment a reaction by the international community would correct these inequalities. It was not a question of helping the Bosnian people to fight a war, a war they did not want, but of allowing them to defend themselves and their dignity.

Indeed, while the United Nations Protection Force and humanitarian organizations - to which we pay particular tribute here - have given the civilian populations considerable humanitarian assistance and contributed to easing their suffering, this assistance, which is still insufficient, cannot and must not replace the search for a lasting and equitable solution, one that would put an end finally to the aggression and occupation and would restore the sovereignty of the Bosnian Government over its territory.

Given the ineffectiveness of the efforts of the international community and, admittedly, faced with the persistence of the Serbs in perpetuating their aggression and in refusing all peace proposals, it has become inevitable that we should, finally, allow the Government of Bosnia to acquire the means necessary to exercise its right to legitimate self-defence, as defined by Article 51 of the Charter of the United Nations.

We would like in this respect to reaffirm our position regarding the non-applicability of Security Council resolution 713 (1991) to the Republic of Bosnia and Herzegovina and the need to apply, effectively, various measures aimed at preventing the flow of military equipment to the Bosnian Serbs.

Maintaining the arms embargo unjustly imposed on the Government of the Republic of Bosnia and Herzegovina while reinforcing the military superiority of

the Serbs has, in fact, encouraged the latter to continue the conflict, to extend their areas of occupation and to pursue their horrible policy of "ethnic cleansing", especially in the areas that are still occupied.

This Serb military superiority is certainly not such as to ensure a credible outcome of the peace process, one that would allow, *inter alia*, for the mutual recognition of all the States in the region within their international borders, the effective protection of refugees within the safe areas and the strict application of sanctions against Serbia and Montenegro.

Faced with this huge obstacle to the peace process, the offer of the President of Bosnia and Herzegovina, made before the General Assembly in September 1994 - to decide to lift the embargo but not to apply this decision until six months afterwards, in order to give the Bosnian Serbs time to reconsider their position regarding the peace plan - reflects once again the spirit of compromise and the sincere will of the Government of Bosnia to seek a peaceful, just and lasting solution to this conflict, which has gone on for far too long.

The Kingdom of Morocco, of course, supports this proposal because it is convinced that this measure, which would supplement the other measures adopted by the Security Council, would merely do justice to Bosnia and Herzegovina, a full-fledged Member of our Organization and a victim of aggression deprived of its legitimate right to self-defence.

This *de jure* lifting of the embargo, by putting an end to the military superiority of the Bosnian Serbs, could turn out to be a very effective means of dissuasion that would lead the Bosnian Serbs to accept the Contact Group's peace plan.

We are also convinced that the international community should no longer allow the Serbs to continue with impunity to trample the fundamental principles of humanitarian law and the provisions of the Security Council resolutions.

After these years of unpardonable atrocities, the Council's responsibility is still just as great, as is ours. Today we learned, as we did yesterday, from the representative of the former Yugoslavia that the provisions we wish to implement will surely be flouted.

In any case, we must show greater firmness and determination against the Bosnian Serbs if we wish to

preserve the credibility of the United Nations, ensure respect for the rule of law and dissuade the aggressors from their intransigence and their continued rejection of all peace proposals made thus far to end the conflict.

The President: I thank the representative of Morocco for the kind words he addressed to me.

The next speaker is the representative of Egypt. I invite him to take a place at the Council table and to make his statement.

Mr. Elaraby (Egypt) (interpretation from Arabic): Allow me first of all, Madam President, to convey to you once again our warm congratulations on your assumption of the presidency of the Security Council. There is no doubt that your wisdom and your well-known leadership skills will yield positive and tangible results.

The delegation of Egypt will not go into further detail to illustrate the situation in Bosnia and Herzegovina. We all have heard the clear and comprehensive statement of the Ambassador of Bosnia and Herzegovina which eloquently described a situation, that is quite clear to all. The justice of the cause concerned is undeniable and uncontested.

The Egyptian delegation, therefore, will confine itself to making certain points and to recalling that, on a number of occasions, it has already drawn the Security Council's attention in the course of the general debate on Bosnia and Herzegovina to the fact that unless the Council acts promptly and takes firm and immediate measures to address the root causes of the problem, the policy of half-measures and contradictions will undermine the Council's credibility and raise major questions concerning the international order in its entirety.

At the same time, it should be noted that the Security Council adopts numerous resolutions under Chapter VII which are mandatory and must be implemented even by force.

So when one of the parties — and I refer here to the Serbs — flouts those resolutions and the Council chooses to let that pass in silence as if nothing has happened, would that be correct? Would the Council accept to stand by and watch the flouting of other resolutions it has adopted under that same Chapter VII of the Charter in other regions of the world as is the case with its resolutions on Bosnia and Herzegovina? Does the Council really apply double standards as some accuse it?

The Security Council itself set up the regime of safe areas in Bosnia and Herzegovina. It is therefore incumbent upon it, as a historic responsibility which it cannot abdicate, to provide for genuine protection of those areas. The Council must now enable the Government of the Republic of Bosnia and Herzegovina to exercise its natural and inherent right to self-defence.

It should be recalled here that Article 51 of the Charter expressly stipulates that:

"Nothing in the [present] Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations."

The stipulation in this text fully confirms beyond doubt that the Charter takes the view that the right to self-defence is sacred, and inalienable. Similarly it is known that all States Members of the United Nations are constitutionally bound under Article 103 of the Charter to give precedence to the provisions of the Charter over any other international obligations. Whether such obligations arise from bilateral agreements or from Security Council resolutions, it is the States Members' obligations under the Charter that shall prevail.

The General Assembly adopted resolution 49/10 a few days ago. One of its provisions encourages the Security Council to exempt the Government of the Republic and Federation of Bosnia and Herzegovina from the embargo imposed by the Security Council in resolution 713 (1991). Exempting the Republic and the Federation of Bosnia and Herzegovina from the arms embargo would serve the cause of a negotiated settlement because if Bosnia and Herzegovina is enabled properly to defend itself, the aggressor will have to return to the negotiating table. Lifting the embargo will contribute to acceptance by the aggressor of the international peaceful settlement Plan, whereas the continuance of the status quo will result only in persistence by the strong and already intransigent party in flouting international legality.

Should the Council fail to break the deadlock by choosing not to adopt the anticipated resolution, the States concerned will have the right to invoke Article 51 of the Charter, and, under Article 103, individually or collectively, provide Bosnia and Herzegovina with the means of self-defence. The international community cannot stand by as an impassive spectator, given the gravity of the current situation.

Egypt participates in the United Nations Protection Force (UNPROFOR) with fully equipped military contingents. The Egyptian Government has also proposed strengthening its current contribution to UNPROFOR with additional contingents. In this respect, we wish to stress several points about UNPROFOR.

First: Egypt affirms its understanding of UNPROFOR's responsibilities within the context eloquently expounded this morning by the representative of Bosnia and Herzegovina.

Second: the UNPROFOR was created by a Security Council resolution as an international protection force. As a result, that Force should be mandated to provide genuine protection to the territories it supervises and to the people of those territories. No distinction here can be made between territory and population. That has never been seen in any Security Council resolution.

Third: UNPROFOR's role as an international peace-keeping force should be that of supporting the Government of the Republic and the Federation of Bosnia and Herzegovina because that Force operates within that Republic's territory. The Force must offer all possible assistance to the Government of Bosnia and Herzegovina in order to enable that Government to exercise its full competence in the area where the Force is deployed. It is ultimately the Government alone that is entitled to exercise its inherent right to sovereignty. It is not acceptable that international forces should obstruct the performance by governmental bodies of their tasks.

Fourth: the Security Council has adopted a number of resolutions which mandated clear-cut tasks to UNPROFOR, including the protection of the "safe areas" designated by the Council. Those areas have also been demilitarized in accordance with Security Council resolutions. So, from a political, legal, and indeed moral, standpoint these Forces must continue to perform those tasks until such time as the Government of Bosnia and Herzegovina is in a position to exercise its effective authority over all those areas.

Fifth: the threat to withdraw UNPROFOR at the present juncture would create a power vacuum in view of the demilitarization of the areas where UNPROFOR is deployed. Most of those areas lie within the territories of Bosnia and Herzegovina.

Such a vacuum will certainly encourage the Serb party to hasten to acquire those territories by force since it has the military ability to do so.

What more does the Security Council expect from the Government and people of Bosnia and Herzegovina after all the sacrifices they have made and the sufferings, they have endured? Does the Council want to wait until this Member State of the United Nations disappears from the face of the earth under the onslaught of Serb aggressors? Or does the Council perhaps want to sit quietly and wait for the situation to resolve itself sooner or later and thus absolve it from the responsibility of finding a solution? The Council must not in any way make it possible to create a precedent of grave defiance to international legality as that would undermine the international order in its entirety. History would never forgive us for that.

Therefore, Egypt once again appeals to the Security Council to shoulder its responsibilities clearly and firmly. There have been palliatives and partial solutions and the Security Council has turned a blind eye to Serb intransigence and defiance for far too long over the past three years.

The President: I thank the representative of Egypt for his kind words addressed to me.

The next speaker is the representative of Ecuador. I invite him to take a place at the Council table and to make his statement.

Mr. Valencia Rodriguez (Ecuador) (*interpretation from Spanish*): Madam President, allow me first to congratulate you on your assumption of the presidency of the Council for this month, and also to express my gratitude for this opportunity to address the Security Council under your skilful leadership.

The people and the Government of Ecuador have followed the development of the conflict in Bosnia and Herzegovina with growing disquiet and concern. The massive violations of human rights, and in particular the aberrant practice of "ethnic cleansing", have been rejected by our public opinion. We are a multi-ethnic and multicultural society that firmly upholds the ability of human beings to live together in peace, enriched by the cultural and religious diversity of the various populations that live together in the territory of a single State.

The action taken by the delegation of Ecuador in response to this conflict, both in the General Assembly and

in the Security Council, in whose work we participated in 1991 and 1992, has been guided by our unswerving defence of the principles of respect for the territorial integrity of States, the promotion of machinery for the peaceful settlement of disputes and the rejection of the acquisition of territory by force. This approach has led my delegation to support a number of resolutions on this issue in both organs, including General Assembly resolution 49/10 of 3 November.

My Government has observed with rekindled hope developments in the negotiations in the peace process, and particularly the acceptance by all the Governments of States parties to the conflict of the peace proposals presented by the Contact Group. Only a non-governmental party, the Bosnian Serb paramilitary forces, persists in its refusal to accept those proposals. We believe that the firm action of the international community, and in particular the positive steps taken by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) — including the border closing that has cut off supplies to those irregular forces — will make it possible to surmount this last obstacle.

We understand the impatience of the people of Bosnia and Herzegovina, faced with prolonged suffering, and its call for more resolute international action on its behalf. At the same time, Ecuador believes that, now that there is some hint of an improvement in the situation, it would not be wise to take measures that might imperil the significant progress being made in the peace process. For this reason, in explaining its vote on General Assembly resolution 49/10, my delegation expressed its doubts about the desirability of lifting the arms embargo imposed on all the parties to the conflict. Such a decision might, we fear, lead to the widespread use of force being perceived as the ultimate arbiter in the settlement of the conflict. It could also impede the humanitarian activities undertaken in the area by the United Nations and non-governmental organizations, which would exacerbate the already tragic suffering of the civilian population.

Ecuador calls on the Security Council once again to persevere in the pursuit of the peaceful settlement of disputes and to remain steadfast in its quest for peace in that tortured region.

The President: I thank the representative of Ecuador for his kind words addressed to me.

The next speaker is the representative of Cambodia. I invite him to take a place at the Council table and to make his statement.

Prince Sisowath Sirirath (Cambodia): First of all, may I congratulate you, Madam, on the manner in which you have been presiding over the work of the Council this month.

My delegation is indeed privileged to be addressing the Council for the first time since Cambodia regained its truly democratically elected Government last year, under United Nations organization and supervision. This happy outcome resulted from the Council's continued support for the suffering Cambodian people over many years. Thanks to all the members of the Council, and in particular to the permanent members, Cambodia is today enjoying its long-lost freedom, a market economy, freedom of the press and the protection of human rights.

Today my delegation is pleased to see the Council once again taking up a topic of the utmost importance: the situation in Bosnia and Herzegovina. My delegation hopes that the meeting will finally lead to concrete measures that will change the course of the war. My delegation is therefore pleased to participate for the first time in the debate on this issue, and hopes to share with the Council the experiences of the horror of over two decades of war, the Pol Pot/Khmer Rouge genocidal regime and foreign occupation. With this in mind, my delegation was pleased to vote in favour last week of General Assembly resolution 49/10, on the situation in Bosnia and Herzegovina.

My delegation listened with great attention to the statement that has just been made by the representative of Bosnia and Herzegovina, and fully joins in his heartbreaking plea for the lifting of the arms embargo imposed on his country. Taking into account its image as one of the founders of the Non-Aligned Movement and its close, longstanding relationship with the former Yugoslavia, Cambodia refrained in the past from debating this issue because of its sensitivity, and felt that more time was needed to pave the way for an approach to a peaceful settlement. But, as time passed, as negative results continued to be seen and the offer of a lasting political solution was constantly rejected by the stronger Bosnian Serb party, it became obvious that the war in Bosnia and Herzegovina was a one-sided war of aggression perpetrated by the Bosnian Serb army against the weaker Croats and Bosnian Muslim peoples.

Cambodia sincerely empathizes with the profound suffering which the people of Bosnia and Herzegovina have experienced ever since the outbreak of war and the adoption by the Bosnian Serb army of the policy of "ethnic cleansing". With the death of the charismatic leader Josip Broz Tito and the disintegration of the former Yugoslavia, new factional leaders, unwilling to compromise, emerged as feared warlords and tyrants, refusing to see the changes that were taking place all around them in Europe and elsewhere.

This senseless, bloody conflict has been going on much too long. It continues to ravage innocent lives on all sides, because people have not accepted the fundamental truth of their common humanity — that life is the most precious gift of all. The number of victims, refugees and displaced persons in Bosnia and Herzegovina continues to rise each day. Their lives are being wasted needlessly, and this is going on without end. Living an undignified existence and in the constant fear of being killed, they have been reduced to a level unworthy of human beings. This is the saddest and most tragic story of all. It represents a challenge to all of us.

The Bosnian Serbs in their aggression have not hesitated to attack towns and zones that are protected by the United Nations peace-keeping forces. This situation strongly reminds me of a similar problem that arose in my country two years ago, when the Khmer Rouge, having agreed to come to the peace table in Paris with the rest of the Cambodian factions and the international community, in 1991, refused to allow the United Nations to demobilize its troops and supervise its zones of control, as agreed in the Paris Peace Accord. Instead, it captured and threatened to kill members of the Blue Helmet forces. This same action is being repeated today. The Bosnian Serbs are applying the same tactics as the Khmer Rouge is applying in my country. The precedent has now been set.

This grave situation has consumed much of the United Nations limited financial and manpower resources. While other countries, my own among them, enjoy the fruits of the reconstruction and development activities being carried out in various fields by donor countries through the United Nations Development Programme (UNDP), Bosnia and Herzegovina has been reduced to practically nothing.

Cambodia has always striven for peace and believed that all avenues leading to talks and negotiations must be explored. It has become clear to my delegation that the

road to a negotiated settlement may be impossible to find. The Council should perhaps seriously consider lifting the arms embargo against Bosnia and Herzegovina, as proposed by the President of the Republic of Bosnia and Herzegovina in his address to the General Assembly last September. It is clear to the whole world that the stubbornness of the Bosnian Serbs is equal to that of the Khmer Rouge. Cambodia feels that the time is ripe for, and is strongly in favour of, lifting the arms embargo against Bosnia and Herzegovina.

My delegation recalls the frustration experienced by many nations involved in the peace-keeping operations in Cambodia, when most of them favoured military action against the Khmer Rouge for its refusal to participate and to cooperate with the United Nations. A similar frustration is now being felt by those who wish to see a lifting of the arms embargo against Bosnia and Herzegovina. Cambodia is also frustrated by the fact that its requests to friendly countries for arms to combat the Khmer Rouge have not been answered, while the massacre of innocent civilians has continued, including the recent killing of young Australian, British and French citizens. Cambodia's situation is perhaps not as alarming as that of Bosnia and Herzegovina, but the similarity should be carefully considered and studied by the Council.

A small faction like that of the Bosnian Serbs cannot be allowed to continue to hold the international community hostage by rejecting every effort and every proposal for peace, as the Khmer Rouge are doing in my country. How much longer can we allow this to go on, how much longer are we willing to wait? My delegation hopes that the situation will not deteriorate to the point of anarchy, the point at which all hell breaks loose, as happened in Cambodia in 1975 and as happened recently in Rwanda, when the situation became hopeless. The Council has the power to give peace a chance, but peace cannot be achieved without stronger military pressure on the Bosnian Serbs. We have seen such situations before in every theatre of war throughout the world's history; no peace can be achieved when one side is weaker than the other and continues to offer to talk while the other side is stronger and continues to wage war.

The international community continues to view this as a highly important issue, and Cambodia will continue to pray for a negotiated settlement and to hope that national reconciliation can be achieved soon among all the people of Bosnia and Herzegovina. We call upon all the rival factions to stop the fighting and to cooperate with the United Nations. My delegation commends the tireless

efforts being made by the United Nations Protection Force (UNPROFOR) and its outstanding performance. Like the lives of the Bosnian people, the lives of UNPROFOR personnel are in constant danger. They are dedicated to their duty to uphold peace and security for the people of Bosnia and Herzegovina. Cambodia, of course, is well acquainted with the Secretary-General's Special Representative in the former Yugoslavia, Mr. Yasushi Akashi, and we are full of admiration for him and confident that his efforts to restore peace and security to the people of Bosnia and Herzegovina will succeed, as they did, with the Council's help, in my own country.

Whatever decision the Council takes today on this terrible situation, my delegation hopes that it will be on the right path towards a lasting peace. If not — and it may be ironic and unprofessional of me to say this — then the unfortunate people of Bosnia and Herzegovina will have to wait a little longer, until their death toll reaches that of Cambodia under Pol Pot, or perhaps equals that of Rwanda. Only then, perhaps, can peace be found for Bosnia and Herzegovina.

The President: I thank the representative of Cambodia for his kind words addressed to me.

The next speaker is the representative of Nicaragua. I invite him to take a place at the Council table and to make his statement.

Mr. Vilchez Asher (Nicaragua) (*interpretation from Spanish*): I should like to join preceding speakers in congratulating you, Madam President, on your assumption of the presidency of the Security Council for this month. Your diplomatic skills and experience, with which we are all familiar, will surely bring success to the Council's present endeavours.

Nicaragua asked to speak during the consideration of the item now before the Council because it feels it has a duty to contribute to the strengthening of international peace and security, just as it had a duty to support the General Assembly's adoption of draft resolution A/49/L.14/Rev.1, "The situation in Bosnia and Herzegovina", which became General Assembly resolution 49/10.

Nicaragua, a country with a deep respect for human rights and a country undergoing an intensive process of national reconciliation, encouraged by our President, Violeta Barrios de Chamorro, after a decade of fratricidal

war, feels solidarity with the present terrible suffering of the people of Bosnia and Herzegovina. My Government has on many occasions appealed for peace and a negotiated settlement to the conflict in the former Yugoslavia and expressed its strong condemnation of the atrocities committed in Bosnia, which constitute not only a threat to international peace and security, but a flagrant violation of the elementary norms of peaceful coexistence and fundamental human rights.

The international community has made many appeals and exerted great efforts to end the continuing aggression against the Republic of Bosnia and Herzegovina, which has caused tens of thousands of deaths and the displacement of entire populations, with well-known consequences not only for that country, but for the region as a whole. The massive violations of human rights and the war of territorial expansion cannot continue, nor can the systematic destruction of this new State, which is a Member of the United Nations and committed to the building of a new international order, as was demonstrated by its participation in the second International Conference for New and Restored Democracies, held recently in Managua, Nicaragua.

Our delegation believes that General Assembly resolution 49/10 contains the elements necessary to promote a political, negotiated settlement of the conflict in Bosnia and Herzegovina. We also consider that the measures it contains are intended not to widen the scope of the war but, rather, to enable the people of Bosnia and Herzegovina to defend themselves with dignity against the agony that has been inflicted on them for several years. In this connection it is important to mention that the Special Rapporteur on the human rights situation in the former Yugoslavia has stated that the arms imbalance between the parties to the conflict is the major factor contributing to "ethnic cleansing".

The Council's consideration of this item is taking place at a critical moment for the Republic of Bosnia and Herzegovina, which, lacking an adequate military force to defend itself, faces the tragic fact of being a nation on the brink of extermination. This is a historic opportunity for the Council, in keeping with its mandate, to help end this injustice and to protect one of the inalienable human rights, in this case the right to life, not just of an individual, but of an entire people.

Our country for reasons of principle supports the peaceful settlement of disputes between States and has reaffirmed the need to continue an exhaustive exploration

of creative formulas for a lasting solution to the conflict in the former Yugoslavia. However, we are aware of the fact that these efforts have not been fruitful so far, despite the many initiatives that have been considered, and that the obvious realities of the conflict — in particular the hundreds of innocent victims every day, the suffering of women, children and the elderly and the importance of providing emergency humanitarian assistance — make it essential for the Council to consider the possibility of lifting the arms embargo inherited by the Government of Bosnia and Herzegovina from the break-up of the former Yugoslavia. This would, at the same time, help to assist, strengthen and balance the peace process and the efforts of the Contact Group, and protect a defenceless Republic, its territorial integrity and its political independence.

Nicaragua shares the view that the continued brutal atrocities directed against Bosnia and Herzegovina and the still inexplicable lack of effectiveness of the efforts undertaken appropriately to respond to this savagery make it vital for the Security Council to allow the Republic of Bosnia and Herzegovina to exercise the right to which it is justly entitled, that is, the inalienable right to self-defence in keeping with Article 51 of the Charter.

We appeal to the international community and the Security Council to take all the necessary steps to bring about the prosecution of the war criminals who have inflicted such pain and suffering on Bosnia. The international community should provide financial assistance to support the effective operation of the International Tribunal created for this purpose.

On the eve of the fiftieth anniversary of the Organization created with the aim of saving mankind from the scourge of war, and on the threshold of the twenty-first century, the United Nations cannot permit the continued recurrence of atrocities the likes of which we have not seen since the end of the Second World War.

The President: I thank the representative of Nicaragua for the kind words addressed to me.

The next speaker is the representative of Albania. I invite him to take a place at the Council table to make his statement.

Mr. Kulla (Albania) (*interpretation from French*): Madam President, allow me first of all to congratulate you on your assumption of the presidency of the Security Council for this month and also for your remarkable

skills in guiding its work. I would also like to pay tribute to your predecessor, Sir David Hannay, for the competent manner in which he handled the Council's work in the month of October.

My delegation has already, on several occasions, expressed its views on the situation in Bosnia and Herzegovina. My country was one of the sponsors of the draft resolution on this question which was recently adopted by the General Assembly. I would, however, like to emphasize at the outset that we commend the United States for its initiative to introduce a draft resolution before the Council and we urge the Council to consider it carefully.

It has always been clear that aggression waged by the Serbs in Bosnia and Herzegovina was based on an obvious imbalance of strength. We are all witnesses to the fact that the continuation of the arms embargo against the Federation of Bosnia and Herzegovina has unjustly punished the Bosniacs, particularly at a time when everyone knew that the Serbs had never wanted full support from Belgrade. Despite the intensive humanitarian involvement of the international community, this has practically prevented the Bosniac people from exercising their legitimate right to self-defence and has considerably influenced the course of the war.

There is only one party in the conflict that has consistently refused any initiative aimed at a peaceful solution of the crisis, the Serbs. They should be punished and brought, by any means the international community has the right to use, to respect the decisions of the Security Council.

We are both moved and concerned by what has just been said by the Permanent Representative of Bosnia and Herzegovina. We hope that his wishes and his arguments will be given due consideration by the Council.

We know that there can be no fair and readily acceptable agreement between parties that are not on the same footing. If the arms embargo is not lifted, then the Serbs will obviously continue to challenge the international community's will for peace. Furthermore, an accumulation of the consequences of aggression and of "ethnic cleansing" will seriously increase the danger of the conflict spilling over to other hot spots. Therefore, it is necessary to lift the arms embargo against the Bosniacs; and this will clearly indicate to the Serbs that the time has come unconditionally to accept peace, and to look for a better future not only for themselves but also for all the peoples living there.

The President: I thank the representative of Albania for his kind words addressed to me.

The next speaker is the representative of Indonesia. I invite him to take a place at the Council table to make his statement.

Mr. Wisnumurti (Indonesia): Madam President, I should like, at the outset, to extend my delegation's congratulations on your assumption of the presidency of the Council for this month. We remain fully confident that during your tenure, our deliberations on the issues now under consideration will lead to the introduction of effective measures. May I also take this opportunity to express our appreciation to your predecessor, Sir David Hannay of the United Kingdom, for his able guidance of the Council last month.

For almost three years the Security Council has been seized of the conflict in Bosnia and Herzegovina, which is posing a continuing threat to international peace and security. The death and destruction it has brought and the suffering and the atrocities it has inflicted are of such magnitude that they have galvanized the attention of the world. These horrible scenes have been repeated in all their intensity, particularly in the past year, and have had ramifications for the future not only of Bosnia but also of the Balkan region as a whole. We are gravely concerned that a continuation of this unequal war may lead to a new situation as Bosnia and Herzegovina faces the dangerous prospect of a forcible dismantling of its multi-ethnic, multicultural and multireligious society, the brutal decimation of its people and the diminution of its independence and sovereignty.

The continued refusal to allow the Government of Bosnia and Herzegovina to defend itself and to protect its people from slaughter can only be seen as a denial of the right to individual or collective self-defence as enshrined in the Charter. It has been self-evident that aggression has been sustained due to the stark military imbalance in armaments that has assured a huge advantage for the Bosnian Serbs in terms of weapons. Consequently, it has led to the unleashing of a reign of terror, massive violence and the brutal violation of human rights and international humanitarian law, causing untold human suffering. The inexorable process of "ethnic cleansing" and mass expulsions has been intensified. None the less, the pleas of the people of Bosnia for effective international intervention, or at least the lifting of the arms embargo, have gone unheeded. The consequences of a continued arms embargo on both the aggressors and

their victims will ensure that atrocities and the killing of defenceless civilians will continue unabated. In fact, preventing the victims of aggression from defending themselves has already led to the slaughter of hundreds of thousands of innocent men, women and children and the maiming and torturing of countless others. In the face of such unspeakable horrors, the Bosnians have no choice but to defend themselves.

My delegation and an overwhelming majority of Member States have been calling for the past two years for the lifting of the embargo unjustly imposed on the Republic of Bosnia and Herzegovina. In this connection I wish to recall that Indonesia was a sponsor of the draft resolution on this matter recently adopted by the General Assembly. The lifting of the arms embargo has become imperative in the present circumstances, in which Bosnia and Herzegovina has to fight aggressors who have no intention of seeking a just and durable settlement. It is therefore incumbent upon the Council to pronounce itself unequivocally on the non-applicability of Security Council resolution 713 (1991) to the Republic of Bosnia and Herzegovina. We would regard it as a grave injustice if the ill-conceived arms embargo were not lifted.

We are not convinced by the arguments advanced by some States for the maintenance and enforcement of the ban on armaments. Lifting the embargo, it has been contended, would only widen and deepen the war and jeopardize the role of the United Nations Protection Force (UNPROFOR); the influx of arms would inevitably lead to more casualties; it would even intensify hostilities, with all their consequences; it would not contribute to a durable peace and would be counter-productive; and all this would undermine the negotiating process, which still represents our best hope.

Despite those self-serving arguments, it cannot be denied that the embargo imposed in 1991 on the former Yugoslavia froze the advantage in weapons in favour of the Bosnian Serbs, who used it effectively to rout the nascent Bosnian army and seize large chunks of Bosnian territory. Condemnations, warnings, sanctions and international isolation have not deterred them from their murderous campaign and wilful violation of their commitments. Not being compelled to negotiate, the aggressors have unashamedly continued to use their superiority in weapons to achieve their political and military goals of uniting in a "Greater Serbia". Their intransigence and their rejection of the latest peace plan has rendered the lifting of the arms embargo unavoidable. It has also put the peaceful settlement of the conflict in jeopardy.

The peace plan launched by the five-nation Contact Group offered both incentives and disincentives to the parties directly concerned. While the former were reflected in the prospects for an immediate end to the hostilities, the latter consisted of warnings of punitive measures if the peace plan were rejected. It is very regrettable that although the Bosnian Serbs have spurned the peace proposals they have largely escaped retribution. The Bosnian Government, on the other hand, which has accepted the peace plan despite its serious shortcomings, continues to be denied the means to defend itself.

When the world community has failed to take effective measures to terminate aggression, it is neither legal nor morally tenable to use the blanket enforcement of the ban on the delivery of arms to prevent Bosnia and Herzegovina from defending itself. It should not be denied its inherent right to defend itself in accordance with Article 51 of the Charter. If the Government of Bosnia and Herzegovina has the necessary means to repel aggression, that will compel the Bosnian Serbs to reassess their options and realize the futility of imposing their will through force. It will bring about a comprehensive and a durable cessation of hostilities, ensure compliance with the principles of the Charter as well as the decisions of the Council, and thereby create conditions conducive to a political settlement on the basis of the peace plan proposed by the Contact Group. In view of this, the lifting of the arms embargo is the only viable option open to the international community.

In conclusion, those who are responsible for the tragedy that has befallen the people of Bosnia and Herzegovina cannot be allowed to continue their deeds with impunity. Hence, a settlement of this conflict can brook no further delay. We cannot allow the Bosnian Serbs to dictate their own terms for a political settlement and thereby undermine the latest peace plan. We believe that it provides a viable basis for a peaceful solution to the conflict. I wish to emphasize that, in order to ensure its acceptance by the Bosnian Serbs, it is imperative for the members of the Security Council to support any initiatives to lift the arms embargo. Meanwhile, such action should be complemented by sustained diplomatic efforts to achieve that acceptance.

The President: I thank the representative of Indonesia for the kind words he addressed to me.

The next speaker is the representative of Honduras. I invite him to take a place at the Council table and to make his statement.

Mr. Martínez Blanco (Honduras) (*interpretation from Spanish*): First of all, allow me to congratulate you, Madam President, on your assumption of the presidency of the Security Council for the month of November. I should also like to express my appreciation to the representative of the United Kingdom, Sir David Hannay, for the way in which he conducted the affairs of the Council in October.

As a peace-loving State that upholds the rule of law, Honduras has requested to speak at this meeting of the Security Council in order to state its views on the situation in Bosnia and Herzegovina — a sovereign and independent Member State of the United Nations which is beset by continued aggression, despite all the resolutions on the subject adopted by the Council with a view to resolving the situation; despite the intense efforts of the United Protection Force (UNPROFOR), to which my country pays tribute for its lofty spirit of sacrifice, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other associated agencies; and despite the efforts of the Conference on Security and Cooperation in Europe (CSCE) and the Contact Group on the implementation of the Washington Agreements on the Federation of Bosnia and Herzegovina. None of these efforts has yet borne fruit.

On 3 November 1994 the General Assembly adopted resolution 49/10, in which the Assembly reaffirms the relevant principles of the Charter and the inadmissibility of the acquisition of territory through the use of force, condemns the Bosnian Serb party for its refusal to accept the proposed territorial arrangement, demands that it lift the siege of Sarajevo and other "safe areas" as well as other besieged Bosnian towns, and condemns the Bosnian Serbs for their military activities against the territory of Croatia and their actions in pursuit of 'ethnic cleansing', which has been completely repudiated by the international community.

Honduras supported that resolution not only because the continued armed hostilities pose a threat to international peace and security but also because of all the flagrant violations of human rights and breaches of international humanitarian law that have been committed against the people of Bosnia and Herzegovina. We wish to recall in this connection the following comments made by the President of the Republic of Honduras, Mr. Carlos Roberto Reina, when he addressed the General Assembly at the present session:

"... with a sadness that I cannot conceal, I must say that events in Bosnia and Herzegovina ... cause us considerable distress and anguish. These fratricidal conflicts should impel us to act urgently to eliminate armed aggression, genocide and the practice of 'ethnic cleansing' once and for all. We cannot continue to waver in implementing Security Council resolutions. Although this Organization has never played as big a leadership role as it is now playing, it is also true that compliance with its resolutions in the framework of operations to maintain international peace and security has been called into question.

"My Government deeply regrets the resulting tragic events that have claimed hundreds of thousands of lives and caused a massive exodus of refugees. We therefore urge parties in conflict to act in a spirit of reconciliation, certain that the international community will continue to extend humanitarian assistance to them." (*Official Records of the General Assembly, Forty-ninth Session, Plenary Meetings, 6th meeting, p. 4*)

My country once again calls on the parties to comply fully with all the resolutions adopted in this forum in connection with Bosnia and Herzegovina, to respect the sovereignty, independence and territorial integrity of that State and the fundamental rights and freedoms of its people, and to bring to trial those responsible for violations of international humanitarian law.

With respect to the embargo on arms and military equipment, my delegation takes the view that the possibility of an influx of arms into the region would not in any way promote the cause of peace in Bosnia and Herzegovina. For this reason, we advocate that the diplomatic efforts already under way to find a peaceful settlement to the conflict be intensified.

The President: I thank the representative of Honduras for the kind words he addressed to me.

In view of the lateness of the hour I intend, with the concurrence of the members of the Council, to suspend the meeting until 3.30 this afternoon.

The meeting was suspended at 1 p.m.